

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

13-CR-150 (WFK)

-against-

United States Courthouse
Brooklyn, New York

MOHAMMAD AJMAL CHOUDHRY,

July 2, 2014
9:30 a.m.

Defendant.

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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

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Proceedings

1345

1 (In open court, outside the presence of the jury.)

2 COURTROOM DEPUTY: We're here for day eight of the
3 jury trial, USA versus Choudhry, Case No. 13-CR-150.

4 Counsel, may you please state your appearances for
5 the record.

6 MS. HECTOR: Amanda Hector, Margaret Gandy and
7 Richard Tucker for the Government, along with Special Agent
8 Matthew Maguire, Department of State.

9 MR. TUCKER: Good morning Your Honor.

10 THE COURT: Good morning.

11 MR. SOSINSKY: For Mr. Choudhry, Fred Sosinsky.
12 Mr. Choudhry is on his way out with the marshals.

13 (Defendant enters.)

14 THE COURT: Mr. Choudhry, you're here. Good
15 morning.

16 THE DEFENDANT: Good morning, sir. How are you?

17 THE COURT: Good. How are you, sir?

18 THE DEFENDANT: Good, thank you.

19 THE COURT: Good. Nice to talk with you. You may
20 be seated as well.

21 Before we get started, counsel, you should have
22 before you Court's 5A and Court's 6A, which are the proposed
23 jury charge and verdict sheets that incorporate all the
24 changes that you had requested and that have been agreed upon
25 or, in one instance I believe, were entered over an objection,

Proceedings

1346

1 but it is what we talked about yesterday, and my colleagues
2 are handing out to you the Court's 5A and 6A.

3 (Court's Exhibits 5A and 6A were received in
4 evidence.)

5 THE COURT: So that's the first point.

6 Secondly, I understand that you are still working on
7 the mother of all translations with respect to Defendant's
8 Exhibit B; is that correct?

9 THE CLERK: D.

10 THE COURT: Defendant's Exhibit D, as in David; is
11 that correct, counsel?

12 MS. HECTOR: Yes, Your Honor. We've been trying
13 diligently to satisfy the Court's order. We received a copy
14 of a translation this morning, provided it to defense counsel,
15 but we noticed that there was sort of an inversion of the map,
16 and so we communicated with the translation service. They
17 understand the urgency and they are working on rectifying the
18 issue.

19 THE COURT: As Henry Higgins noted in *My Fair Lady*,
20 and the Hebrews do it backwards, which is absolutely
21 frightening, referring to translations where you read from
22 right to left.

23 I gather that was an issue?

24 MS. HECTOR: Maybe that was the issue. I don't know
25 what the issue was.

Proceedings

1347

1 THE COURT: Is that the issue, that the language was
2 right to left and therefore the map?

3 MR. SOSINSKY: We don't know.

4 MS. HECTOR: Perhaps. That's a good idea. I don't
5 know. It looks inverted, but only portions were inverted.

6 THE COURT: I think that may have been driving the
7 question, that it was a right-to-left iteration of the
8 language, not that my Urdu and Punjabi are to be relied upon,
9 because they're not.

10 Okay. What else do we have to address this morning
11 before we bring the jury in?

12 MR. SOSINSKY: Well, judge, with regard to
13 Defendant's D it is, right?

14 THE COURT: Is that right?

15 MR. SOSINSKY: The document.

16 THE COURT: Yes.

17 MR. SOSINSKY: Okay. Now that we've had a working
18 translation provided to us, there are, in the document itself,
19 in addition to the diagram which was where we began this
20 journey a few days ago with the discussion about this, there
21 are statements in here identifying, as per witnesses, the
22 names of alleged perpetrators in the case, and to that extent,
23 I would object to putting a document in, that portion of the
24 document in that contains a prior consistent statement of at
25 least Rukhsana Kousar and Seemab.

Proceedings

1348

1 THE COURT: I'm sorry, I thought you wanted the
2 document in.

3 As I understand it, I thought you wanted the
4 document in, but now that you've got a more fulsome
5 translation, you would like to have a redacted version put it,
6 is that what you're saying?

7 MR. SOSINSKY: Just so the record is clear, the only
8 thing that I wished to address was the indication on the
9 diagram itself that the witnesses that I just named, Rukhsana
10 Kousar and her daughter Seemab Kousar, were standing and
11 observing the shooting and that was it.

12 THE COURT: Well, you wanted to put, just to be
13 clear, you wanted to put the document in evidence so that the
14 jury could see that there was that statement in the document?

15 MR. SOSINSKY: Actually, judge, as we began, and I
16 trust the record will reflect this, I wanted to ask the
17 witness questions and Your Honor didn't want me to do that. I
18 understand that --

19 THE COURT: I ruled against you on that, but I said
20 the next best thing, I would have thought, would have been to
21 have had the document that, I take it, supports your position,
22 is that right, or does it not support your position?

23 MR. SOSINSKY: No, no, the document -- the diagram,
24 the map itself, if you were, clearly supports my position that
25 those two witnesses who have previously been called by the

Proceedings

1349

1 Government, according to this report, put themselves in quite
2 a different place when making the observations.

3 THE COURT: Let's stop right there.

4 MR. SOSINSKY: Yes.

5 THE COURT: I am admitting, or readmitting or
6 re-readmitting, that portion of the document for that purpose,
7 and you can argue that to the jury in your summations. So
8 that's in evidence, okay.

9 Now, if you're saying to me that there's some other
10 portion of the document, once you see the translation, that
11 you don't want in, I'm prepared to put it in in a redacted
12 fashion, if that is what you want. So it seems to me that
13 with respect to this document, why don't you, it's over the
14 Government's objection because the Government's objected to
15 the document coming in at all and that objection is certainly
16 not waived, but why don't you redact the document to the
17 extent that you're comfortable, and I will admit that redacted
18 version and the jury can have that with them in evidence?

19 So now it's just down to the question of timing.
20 What's your timeline with respect to getting it to them?

21 MR. SOSINSKY: I think if I could, in fairness, I
22 think first we should wait to get the actual, and I think it
23 may only be a matter of a little bit, you know, final
24 translation done so I know exactly what I should address, but
25 in the meantime, I can certainly begin going through this,

Proceedings

1350

1 understanding that there may be additional changes that come
2 in.

3 THE COURT: Sure.

4 MR. SOSINSKY: And if that's how Your Honor is ready
5 to proceed, then I say nothing more.

6 THE COURT: All right. I'll hear from the
7 prosecutors on this.

8 MS. HECTOR: Your Honor, if that's the Court's
9 ruling, then we would ask that only the portion, that it be
10 completely redacted except for the portion that the defense
11 counsel is arguing impeaches the witness.

12 Again, our position is is that it is unclear that
13 the witness made this statement, it's not impeachment, but
14 Your Honor has ruled on that, and we need to keep it in the
15 general format so that the Government is not prejudiced and
16 can make the argument that there's no indication that this
17 particular statement came from Rukhsana Kousar.

18 So perhaps we can work with defense counsel to see
19 if we can come to an agreed-upon redaction plan.

20 THE COURT: All right. Well, this is a further
21 continuation of the stipulation discussion that started the
22 other day and then broke down when Secretary of State Kerry
23 couldn't complete the deal.

24 All right. What else do we have to deal with by way
25 of preliminaries before we bring in the jury?

Proceedings

1351

1 MR. SOSINSKY: At this juncture, other than dealing
2 with this issue, Your Honor, the defense is prepared to rest.

3 THE COURT: Well, should we then delay bringing in
4 the jury until you work this out, or should we bring in the
5 jury, go forward with summations and the jury charge?

6 MR. SOSINSKY: I would ask that we try to work this
7 out, and hopefully we'll have an updated version coming in
8 shortly so that if the Government wishes to address this in
9 their summation, which they're going to begin with, that they
10 can fairly and I can understand what the argument will be
11 based on what's in the form. I'm not looking to put this over
12 for hours and hours, but if it can be a little while, I would
13 appreciate that, and I can gather my thoughts.

14 THE COURT: Well, the court ordered it to be done in
15 24 hours and here we are 24 hours later and it's not done. So
16 I did my best. Why don't you give me a sense as to do you
17 want to confer as to how much longer it will be and how you
18 want to proceed?

19 MR. SOSINSKY: May I?

20 THE COURT: Of course.

21 (Pause in the proceedings for discussion held off
22 the record among counsel.)

23 MS. GANDY: Your Honor, at your convenience, we may
24 be able to resolve at least part of the outstanding issue
25 while we wait for the final sketches to be corrected.

Proceedings

1352

1 THE COURT: I'm at your convenience. I'm at your
2 disposal.

3 MS. GANDY: Thank you, Your Honor.

4 Having heard counsel's proposal to redact portions
5 of the document, we have reviewed it again and it's our
6 position that the reason we're having this conversation in the
7 first place is because of the possibility that counsel missed
8 an opportunity to raise an area of impeachment with Rukhsana
9 Kousar regarding information contained in this sketch, and
10 specifically that was that on the sketch a letter has been
11 placed on the sketch suggesting that she and her daughter were
12 standing in a different location when they observed the
13 shooting or moments after the shooting than they testified
14 that they were.

15 The Government at this point, as Your Honor knows,
16 we object to the document coming in. I'm not going to belabor
17 that issue, we've moved on from that. But in the posture that
18 we are currently in, it's our position that it would be
19 appropriate to admit to the jury only the line item entry that
20 contains that limited piece of impeachment material.
21 Everything else is admissible hearsay, the source of which is
22 unclear. It's a unauthenticated police document. You know,
23 we take it on their word that it is, but it's unauthenticated.
24 Therefore, anything beyond that one area of possible
25 impeachment is beyond the scope of the consideration that

Proceedings

1353

1 needs to be addressed in order to insure that the defendant
2 was not prejudiced by his inability to read this document
3 while she was still on the stand.

4 So the Government has put that on paper, our
5 proposed redactions, which basically would produce for the
6 jury the caption of the document so that they have some
7 context of what they're looking at, it would continue to
8 include the line item F, which is where it states "This is the
9 spot from where complainant Rukhsana Kousar and witness Seemab
10 Asghar witnessed the incident," the signatory line at the end
11 so that they see who it purports prepared the document, and
12 the accompanying sketch where it's clear that line item F is
13 represented by the letter F on the sketch.

14 I'd also note, Your Honor that what we have here
15 across these pages are duplications of the same substantive
16 information. It's two different sketches, one has a lettering
17 system, one has a numbering system, but that the relevant
18 impeachment material, if it is in fact impeachment material,
19 is consistent across the two, and therefore we would suggest
20 that entering just the first of the two sketches and all of
21 the accompanying translation I've just outlined would suffice
22 in satisfying the issue that needed to be remedied, which was
23 counsel's inability to cross her on that one line item entry.

24 It's our understanding that defense counsel is
25 hoping to include more than that, and I think that at that

Proceedings

1354

1 point we get into a sort of a picking and choosing that is not
2 consistent with the posture we're in, which is that he wanted
3 to ask one question of impeachment that was not available to
4 him at the time because he had not yet translated the
5 document, even though he'd received it certainly well in
6 advance of trial. I don't think there's any dispute about
7 that, and therefore I think it becomes unfair at some point if
8 we're cutting out things that may be favorable to the
9 witness's testimony, leaving in things that are impeaching of
10 the witness's testimony, and then also leaving in, you know,
11 random other entry line items for various other purposes.

12 The only issue on the table is whether or not he had
13 full impeachment ability of the witness and therefore what
14 goes before the jury should be limited.

15 THE COURT: I'll hear from the defense counsel.

16 MR. SOSINSKY: Yes. Your Honor, as we discussed
17 earlier today, the concern is that in the report, there are
18 statements here about identifying, as I said earlier, certain
19 named individuals and that that would be inappropriate.

20 However, and I'm mindful of the fact that the Court
21 already put in evidence the document in the Urdu form, which
22 of course the jury couldn't possibly understand yet.

23 THE COURT: You never know.

24 Go ahead.

25 MR. SOSINSKY: You're right. Especially if they

Proceedings

1355

1 can't read right to left.

2 THE COURT: Especially.

3 MR. SOSINSKY: The two documents themselves are not
4 the same. In fact, the first report does not have or purport
5 to have measurements between particular locations marked on
6 the diagram. The second report incorporates much of that
7 information, but also then puts in perspective, for example,
8 where the witnesses were standing and the distance between
9 that and certain other locations. That, it seems to me, is
10 important information that the jury should have from this, and
11 the other stuff in here, once we hopefully can redact the
12 consistent report of a witness or witnesses with regard to the
13 alleged perpetrators of this crime, do not prejudice the
14 Government in the least. They are things like "this is the
15 spot where this body was located, this is the spot where this
16 body was located." But what they do do, pardon the
17 expression, is they certainly put in context what the jury
18 could not otherwise understand by looking at a diagram that
19 contains a number of different letters on one or numbers on
20 the other. At least --

21 THE COURT: Let me ask you this, Mr. Sosinsky. Do
22 you have an iteration of this document that you are prepared
23 to offer to the Court?

24 MR. SOSINSKY: Yes, sir.

25 THE COURT: What is your iteration of the document

Proceedings

1356

1 that you're prepared to offer to the Court?

2 MR. SOSINSKY: I can hand it up, and the only
3 proviso I would say is that for present purposes, I marked it
4 with a black pen.

5 THE COURT: That's okay.

6 MR. SOSINSKY: But it would defeat the purpose,
7 obviously, if the jury could see there. So we can do a better
8 redaction job if Your Honor agrees with the ruling.

9 THE COURT: I just want to see what you would have
10 go to the jury.

11 MR. SOSINSKY: Okay.

12 THE COURT: And then before you give it to the
13 Court, show it to the prosecutors.

14 MR. SOSINSKY: I did.

15 THE COURT: And let me see what they object to.

16 MR. SOSINSKY: Okay.

17 THE COURT: All right. So you've got your version
18 that you would like to go to the jury.

19 MR. SOSINSKY: Yes, sir.

20 THE COURT: Now, Madam Prosecutor, why don't you
21 show what you would like to have excised from his proposed
22 version?

23 MR. SOSINSKY: They did that already.

24 THE COURT: Can you do that on his document?

25 MR. SOSINSKY: They did that.

Proceedings

1357

1 THE COURT: In other words, I want to know what
2 Mr. Sosinsky is proposing and I want to know what you are
3 proposing so I can see where the difference lies and where
4 there is no opposition subject to your general opposition to
5 the document coming in.

6 Does that make sense to you?

7 MS. GANDY: Yes, Your Honor.

8 THE COURT: I would like to see that piece of paper
9 so we take it out of the ether and bring it into the realm of
10 actual trial.

11 MR. SOSINSKY: May I hand this up?

12 THE COURT: Why don't you hand it to opposing
13 counsel so they can mark it up?

14 MR. TUCKER: You want one document?

15 THE COURT: I want one document that I can look at
16 and see what the defense is proposing and one document to see
17 what the prosecution is not über objecting to, if I may use
18 that technical term.

19 (Pause in the proceedings for discussion held off
20 the record among counsel.)

21 MS. GANDY: Your Honor, I'm prepared to hand that up
22 with our additions. I've made an indication on the note that
23 the red-line edits, proposed edits, are the Government's. The
24 black-line proposed edits are the defense.

25 THE COURT: Why don't you hand it back to

Proceedings

1358

1 Mr. Sosinsky and I'll ask Mr. Sosinsky to hand it to Mr.
2 Jackson once he's had a chance to review it.

3 (Pause in the proceedings.)

4 MS. GANDY: Your Honor, just to make it very clear,
5 the Government's proposal is actually that the whole second
6 sketch and translation be redacted, but I didn't do that on
7 here so that Your Honor could see --

8 THE COURT: Well, why don't you just lightly do it
9 on there so Mr. Sosinsky at least knows and I know what you're
10 proposing to redact, which is what we're doing now. Just draw
11 a line through so I know what you suggest is out and he knows
12 what you suggest is out and then I'll look at it and then I'll
13 rule.

14 MS. GANDY: Your Honor, I've done a hashmark line
15 across each of the pages that we propose come out all
16 together. Underneath that, however, if Your Honor is inclined
17 to do that document at all, you'll see the limited information
18 we would propose be presented to the jury, which again really
19 suggests that one issue of impeachment that I put on the
20 record earlier. So our argument is twofold, I suppose.

21 I'm also providing the Court with a clean copy so
22 that you can read what is underneath the black-line edits that
23 counsel did in case it is instructed --

24 THE COURT: Show it to Mr. Sosinsky first.

25 MS. GANDY: Sure.

Proceedings

1359

1 (Pause in the proceedings.)

2 THE COURT: Mr. Jackson, if you can hand that up to
3 me, please.

4 COURTROOM DEPUTY: Certainly, Your Honor (handing.)

5 (Pause in the proceedings.)

6 THE COURT: All right. Here's what the Court is
7 going to do. I'm going to admit into evidence and present to
8 the jury the version of this alleged police report in English
9 that reflects the redactions of both the defense and the
10 Government, that is to say the ultimate cut-down version of
11 this document is what is going to go to the jury. And both
12 sides have your objections preserved to what the Court is
13 doing.

14 That being said, what I now need you to do is to put
15 pen to paper, scissors and paste, and give the Court a clean
16 document that I can attach that will be the document that goes
17 to the jury. So why don't you, Mr. Jackson, hand this back,
18 and I want both sides to agree that what is the result of the
19 scissors and paste exercise is that overlap of materials, and
20 both sides preserve their objections to the document.

21 MR. SOSINSKY: Judge, can I just ask one thing --

22 THE COURT: Sure.

23 MR. SOSINSKY: -- to guide me during my summation?

24 THE COURT: No, can we just do this first. Let's
25 get the document squared away so you see what the document

Proceedings

1360

1 actually looks like, and then you can ask your questions about
2 the summation. Let's get the piece of paper put to bed so
3 both sides can see it and know what it's looking like, and
4 then I'm happy to address any questions about summation.

5 So sit together at counsel table and get it done.

6 (Pause in the proceedings.)

7 MR. SOSINSKY: Can we address one thing about this,
8 judge, just so we can get this right?

9 THE COURT: Yes, that would be nice.

10 MR. SOSINSKY: As I informed the Court, and as the
11 Court may have noticed, there were two police reports, one of
12 which had measurements and one which did not. Although we had
13 disagreement and Your Honor has ruled with regard to the
14 information that can or cannot be provided, can I presume that
15 Your Honor, because that document itself also had the
16 information regarding where the witnesses claim to have been
17 standing, that that report itself in redacted fashion,
18 pursuant to Your Honor's ruling, will come in?

19 THE COURT: What is the view of the Government with
20 respect to that?

21 MS. GANDY: Twofold, Your Honor. One is that the
22 second document is unnecessary, as it is substantively for the
23 limited issue that we have raised completely duplicative of
24 the first document and therefore the first document suffices.

25 If Your Honor is going to allow the second version

Proceedings

1361

1 to come in, it's our position that the measurements would be
2 an inappropriate inclusion because, of course, they certainly
3 don't come from the witness whose testimony counsel is seeking
4 to impeach. It's clearly that those measurements were done by
5 the police.

6 THE COURT: So the first point that you're making is
7 that it's duplicative; is that correct?

8 MS. GANDY: And therefore unnecessary.

9 THE COURT: I'm going to accept the Government's
10 position with respect to that.

11 Does that guide you in terms of what the document
12 should look like now, both sides? Like it or not, does that
13 guide you? Please do it.

14 MR. SOSINSKY: It must.

15 THE COURT: Thank you.

16 So mark it up, scissors and paste, Crayola, hand it
17 up to the Court.

18 (Pause in the proceedings for discussion held off
19 the record among counsel.)

20 MR. SOSINSKY: Judge, can we just mark, just for
21 posterity, what was handed up to the Court for the record as
22 the defendant's proposed --

23 THE COURT: Absolutely, yes.

24 MR. SOSINSKY: Thank you.

25 THE COURT: You're welcome.

Proceedings

1362

1 In fact, I understood your position to be that the
2 entire report is what you had proposed go in initially, right?

3 MR. SOSINSKY: No.

4 THE COURT: No?

5 MR. SOSINSKY: No.

6 THE COURT: Okay.

7 All right. Yes, you may do that. Fine. Just give
8 it an appropriate number or letter and perhaps sequential
9 number.

10 MR. SOSINSKY: I believe it's E.

11 (Pause in the proceedings for discussion held off
12 the record among counsel.)

13 MS. HECTOR: Your Honor, could I potentially send
14 this to one of your clerks to print? We just got a revised
15 copy.

16 THE COURT: Absolutely.

17 So what you're sending is the version that the Court
18 will present to the jury; is that correct?

19 MS. HECTOR: Well, that we can redact so it fixes
20 the map hopefully. It's a little hard to read on my
21 BlackBerry, but that's what it purports to be.

22 THE COURT: Okay.

23 MS. HECTOR: Thank you.

24 (Pause in the proceedings.)

25 THE COURT: Are we good?

Proceedings

1363

1 MS. GANDY: I think, we are, Your Honor. I think we
2 just need to ask that your law clerk photocopy it.

3 THE COURT: No problem.

4 How is it to be marked, just so it's clear? This is
5 going to be Defendant's Exhibit?

6 MR. SOSINSKY: D-3.

7 THE COURT: This will be D-2 because D is the
8 original language version, but the one that's going to go into
9 the jury is going to be -- I think we should, just to avoid
10 any confusion as to what's before the jury, let's just have
11 the version that's going in to the jury, the English version,
12 marked with the same exhibit number. Fair enough?

13 MS. GANDY: That's fine, Your Honor. Just to be
14 very clear, the originally marked Defendant's Exhibit D had
15 four pages.

16 THE COURT: Right.

17 MS. GANDY: We've now agreed that we're reducing it
18 to the first two pages.

19 THE COURT: Right.

20 MS. GANDY: And this English translation corresponds
21 with the first two pages, which is what I understand that the
22 jury will see.

23 THE COURT: Right.

24 Is that acceptable?

25 And we will have, for the record, the other

Proceedings

1364

1 iterations of this document that you've been going back and
2 forth on today marked with subsequent numbers, such as D-1,
3 D-2, D-3. I think for clarity's sake it just makes sense to
4 say to the jury "You have Exhibit D as we promised you you
5 would have. This is Exhibit D. It's in English." That's the
6 one they're going to get, and then with respect to your
7 record, you will have the other iterations of it.

8 Does that make sense?

9 MR. SOSINSKY: It makes sense. However, can I
10 suggest that we staple together the Urdu version which is in
11 evidence, you showed the jury, you had Mr. Jackson put it up
12 on the Elmo yesterday, and this English translation which you
13 told the jury they would be getting?

14 THE COURT: Right.

15 MR. SOSINSKY: They're just part of the same
16 exhibit, which I think is what you're saying.

17 THE COURT: But I'm also saying in the event that
18 there's someone on the jury who suddenly develops a facility
19 with Urdu, I don't want that person going in and saying well,
20 you know, the four-page version says X as opposed to the
21 English version. I don't know whether there's anyone on that
22 jury who speaks Urdu or not.

23 MR. SOSINSKY: Right.

24 THE COURT: And now is the not the time to find out.

25 MR. SOSINSKY: So what do you propose doing with the

Proceedings

1365

1 document that yesterday we published to the jury in Urdu?

2 THE COURT: Well, we published to the jury in Urdu,
3 and I'm going to say this has been substituted.

4 MR. SOSINSKY: Okay.

5 THE COURT: You can say you object. That's fine.

6 MR. SOSINSKY: I was just trying to follow what the
7 Court planned, that's all.

8 THE COURT: In other words, the only thing that the
9 jury is going to see is the English iteration. It will still,
10 however, be part of the record, the original four pages in
11 Urdu. Various interstitial copies that counsel talked about
12 and you can mark those as D-1, D-2, D-3, son of D-1, D-2,
13 however you want to mark them for the record, but the only one
14 that's going to go into the jury is this English translation,
15 two-page iteration that we're talking about now.

16 Is that fair enough?

17 MR. SOSINSKY: Yes.

18 MS. GANDY: Yes.

19 THE COURT: Is that clear?

20 MR. SOSINSKY: Yes. I just wanted to make clear
21 that Ms. Gandy said previously that we've agreed that whatever
22 the record shows is the case. We haven't agreed. Your Honor
23 has ruled.

24 THE COURT: My understanding is you guys have
25 disagreed and object to everything that the Court has done

Proceedings

1366

1 with respect to this document. You've disagreed with the
2 Court's ruling with respect to calling the witness again.
3 You've disagreed with respect to the four-page version, the
4 Urdu version, the Punjab version, the English version. Both
5 sides have their objections well-noted for whatever purpose.
6 You've preserved everything, total disagreement with what the
7 Court has done.

8 Can I make it any clearer?

9 MS. GANDY: No, Your Honor.

10 THE COURT: Everything is preserved.

11 MS. GANDY: Thank you, Your Honor.

12 What is this that you've just handed Mr. Jackson?

13 MR. SOSINSKY: That is a document that Your Honor
14 earlier requested that set forth the parties' positions with
15 regard to the proposed redactions.

16 THE COURT: Let's mark this. How should this be
17 marked?

18 MR. SOSINSKY: I think we agreed it would be, at the
19 time, D-2.

20 THE COURT: All right. This is going to be D-2.

21 MR. SOSINSKY: And that D-1 --

22 THE COURT: Hang on. Let's just try to keep this
23 straight. One second.

24 D-2 is what Mr. Jackson has here. Mark it, please,
25 as D-2. This is part of the record.

Proceedings

1367

1 Now, what goes to the jury is going to be the
2 two-page English iteration which will be marked as Exhibit D.

3 (Pause.)

4 THE COURT: All right.

5 Counsel are agreed as to what the Court is now
6 marking as Defendant's Exhibit D, correct?

7 MR. SOSINSKY: Yes.

8 MS. GANDY: Yes, Your Honor.

9 THE COURT: Fine.

10 MS. HECTOR: Your Honor, one more issue that I think
11 we should accomplish outside the presence of the jury.

12 THE COURT: Yes, ma'am.

13 MS. HECTOR: It's my understanding from defense
14 counsel's statements that defendant has chosen not to testify,
15 but I think it would be prudent to put on the record that he
16 has a right to do so and that he has decided not to testify in
17 this case.

18 THE COURT: You may be seated.

19 What's your response, Mr. Sosinsky?

20 MR. SOSINSKY: I've advised the Court that the
21 defense rests. If Your Honor wishes to make a separate
22 inquiry, you'll do whatever you feel is appropriate.

23 THE COURT: Mr. Choudhry, do you understand that you
24 have a right to testify?

25 THE DEFENDANT: I understand that, but it's okay, I

Proceedings

1368

1 don't want to testify.

2 THE COURT: You understand that you're not compelled
3 to testify, that no one is attempting to compel you to
4 testify, but you have the right to testify, do you understand
5 that?

6 THE DEFENDANT: I understand, yes.

7 THE COURT: And you understand that the Government
8 is required to prove its case beyond a reasonable doubt, do
9 you understand that, sir?

10 THE DEFENDANT: I understand, sir.

11 THE COURT: And have you had an opportunity to
12 discuss your decision as to whether or not you will testify or
13 not with your counsel, sir?

14 THE DEFENDANT: I have.

15 THE COURT: Do you need additional time to discuss
16 your decision not to testify in this proceeding with your
17 counsel, sir?

18 THE DEFENDANT: That's correct, sir, I don't want to
19 testify.

20 THE COURT: Are you sure you don't need additional
21 time to talk with your counsel about this?

22 (Discussion held off the record between defense
23 counsel and the defendant.)

24 THE COURT: Again, sir, the question is do you need
25 additional time to discuss whether you should testify or not

Proceedings

1369

1 testify with your counsel? Do you need additional time to
2 discuss that?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: You do not need additional time; is that
5 correct?

6 THE DEFENDANT: No, sir.

7 THE COURT: All right. Should we bring the jury in?

8 MR. TUCKER: I think so, Your Honor. The last issue
9 I think before we get going, as Your Honor would probably
10 anticipate, I'm going to be using the court's, with the
11 Court's permission, the courtroom presentation system in my
12 summation. I've conferred with defense counsel already and
13 presented him with, in advance, a copy of the images that I'm
14 going to be showing to the jury which are in evidence and
15 excerpts from the trial transcript. I just wanted Your Honor
16 to know so Your Honor won't be surprised.

17 THE COURT: Well, it won't surprise me. And as I
18 previously indicated, I've issued the bench warrant for the
19 techie, who is here, so in the event there was any problem
20 with the technology, we have someone here to address it.

21 MS. GANDY: Your Honor, I also brought hard copies,
22 having listened to Your Honor's warning about that in the
23 past. So just in case, we're covered.

24 THE COURT: I'm just old school, so I appreciate
25 that. But I take it the Elmo is working. I take it the Power

Proceedings

1370

1 Points are work. I take it the electricity is working, but
2 I've got candles in the back just in case we have to go
3 ultimate 1850s with respect to the technology.

4 Is there anything else before we bring in the jury?

5 MR. TUCKER: Not from the Government.

6 MR. SOSINSKY: Could I just have one moment?

7 THE COURT: Of course.

8 (Pause in the proceedings.)

9 THE COURT: Is there anything else while my
10 colleague is making copies of Exhibit D in English?

11 MR. TUCKER: No, Your Honor.

12 THE COURT: Anything else, sir?

13 MR. SOSINSKY: No.

14 (Pause.)

15 MR. SOSINSKY: Judge, actually, there is.

16 THE COURT: I knew there would be. Go ahead.

17 MR. SOSINSKY: I don't think the Government would,
18 but I'm just raising it with the Court. Before we broke
19 yesterday, Your Honor's first intention was to have me call
20 yet another witness at the end of the day.

21 THE COURT: If you wished to. You're certainly not
22 compelled to call any witnesses.

23 MR. SOSINSKY: But the point is before we broke, you
24 asked the defense if we had any other witnesses, and I
25 provided a name. I didn't look at last night's transcript,

Proceedings

1371

1 but the point is I've not called any witnesses.

2 THE COURT: You have not called that witness.
3 You've called other witnesses.

4 MR. SOSINSKY: I'm talking about after that,
5 correct.

6 THE COURT: I understood you to say you just didn't
7 call any witnesses, and certainly unless I'm really having a
8 bad experience, you have called witnesses in this case.

9 MR. SOSINSKY: That's true.

10 THE COURT: Go ahead.

11 MR. SOSINSKY: And I remember it vividly, sir.

12 THE COURT: Good.

13 MR. SOSINSKY: I just want to make sure that there's
14 no comment to the jury on the name that was mentioned at the
15 close of evidence. It's not evidence. It's nothing.

16 THE COURT: When you say there's no comment on the
17 name, that doesn't mean if he has something to say about the
18 name of the person.

19 MR. SOSINSKY: No, no, not the name in connection
20 with the case itself, but the fact that the defense at that
21 moment before you then sent the jury home had provided the
22 court reporter with the name. That's all I'm raising now.
23 Obviously they can utilize whatever name they want in their
24 summation, but not that the defense didn't call somebody.

25 THE COURT: Did you make that statement in the

Proceedings

1372

1 presence of the jury, that you were going to call that
2 witness?

3 MR. SOSINSKY: Well, you asked me and as I said it,
4 the prosecutor stood up and asked for a least a ten minute
5 recess and then you decided to send the jury home.

6 THE COURT: Well, here's my question, sir. Did you
7 state the name of the witness --

8 MR. SOSINSKY: That's what I said.

9 THE COURT: Wait a minute.

10 Did you state the name of the witness that you were
11 going to call in front of the jury?

12 MR. SOSINSKY: At that moment I did, sir. So I'm
13 raising --

14 THE COURT: So now, you having done that, the
15 question is what would you like this Court to do, if anything,
16 with respect to what you did yesterday afternoon in saying you
17 were going to call this next witness? What would you like
18 the Court to do?

19 MR. SOSINSKY: I'm not asking you to do anything
20 other than to preclude argument about that statement
21 yesterday, which is not evidence, and you'll tell the jurors
22 what the lawyers said, I know you will, including today, is
23 not evidence of anything, right?

24 THE COURT: What the lawyers have said is not
25 evidence of anything.

Proceedings

1373

1 So I will now turn to the prosecutors. Do you
2 intend to aver to the fact that yesterday evening a name was
3 mentioned of the next witness who, for whatever reason, is not
4 being called now?

5 MR. TUCKER: Absolutely not, Your Honor.

6 THE COURT: Well, there you go. No problem.
7 Anything else?

8 MR. TUCKER: No, Your Honor.

9 THE COURT: Anything else, sir? Are we ready to
10 proceed with the jury being brought in for continuation of the
11 trial?

12 MR. TUCKER: Yes, sir.

13 THE COURT: All right. Mr. Jackson, please bring
14 the jury in.

15 COURTROOM DEPUTY: I will do so, Your Honor.

16 (Pause in the proceedings.)

17 MR. TUCKER: And, Your Honor, I understand that the
18 defense will rest and then I will begin. Is that the Court's
19 wish?

20 THE COURT: If the defense rests, the defense will
21 rest and then the Court will announce who is going first in
22 summations.

23 MR. TUCKER: Thank you, Your Honor. I am actually
24 doing the Government's summation. Ms. Hector is doing the
25 rebuttal, just for Your Honor's information.

Proceedings

1374

1 THE COURT: Well, it's nice of you to let the Court
2 know that you wish to reserve time for rebuttal and to request
3 that of the Court. Your request is granted.

4 MR. TUCKER: Thank you, Your Honor.

5 THE COURT: Some lawyers neglect to request rebuttal
6 from the Court and sometimes find out that they don't have it.
7 So it's always good to request time for rebuttal of the Court.

8 It's also good to indicate that the prosecution
9 wishes to go first because sometimes the prosecution wishes to
10 go last and have the defendant go first since the burden of
11 proof beyond a reasonable doubt rests always with the
12 Government. Some judges I know make the defendants go first
13 if they wish to make a summation. So it's never good to
14 presume who goes first. It's never good to presume whether or
15 not rebuttal will be allowed because you never know until you
16 know.

17 MR. TUCKER: Thank you, Your Honor.

18 THE COURT: You're welcome.

19 Just so we're clear, the Government will go first,
20 then the defense if it wishes to make a statement in
21 summation, then there will be rebuttal time reserved. That is
22 the order of summations.

23 MR. TUCKER: Understood, Your Honor.

24 THE COURT: Anything else from either side before
25 the jury comes in?

Proceedings

1375

1 MR. TUCKER: No, Your Honor.

2 THE COURT: Very well.

3 (Pause in the proceedings.)

4 COURTROOM DEPUTY: All rise.

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Proceedings

1376

1 (Jury enters the courtroom.)

2 THE COURT: Good morning, ladies and gentlemen of
3 the jury. Thank you for your patience and your promptness.
4 Please be seated.

5 I have been meeting with the lawyers since a little
6 bit before 9:30 this morning, and we're now ready to proceed.

7 MR. SOSINSKY: Your Honor, the defense would offer
8 Defendant's D in evidence.

9 THE COURT: It is admitted.

10 (Defendant's Exhibit D was received in evidence.)

11 MR. SOSINSKY: And with that, the defense rests,
12 sir.

13 THE COURT: Thank you.

14 Ladies and gentlemen of the jury, we will now
15 proceed to summations. As I told you in the beginning,
16 summations are not evidence. They are arguments of counsel.
17 We will first hear from the prosecutors. We will then hear
18 from defense counsel, who are not required to, but obviously
19 have a right to make a summation statement, and then there
20 will be a briefly rebuttal from the Government.

21 So with that, please proceed.

22 MR. TUCKER: Thank you, Your Honor.

23 THE COURT: I will begin as I always do by saying
24 please speak clearly in the microphone.

25 MR. TUCKER: Yes, Your Honor.

1 THE COURT: Thank you.

2 SUMMATION BY

3 MR. TUCKER:

4 MR. TUCKER: Good morning, ladies and gentlemen.

5 From the front seat of his yellow taxicab, the
6 defendant planned, directed, and executed murder. Even as he
7 drove unsuspecting New Yorkers to their destinations in
8 Brooklyn and Manhattan, he was calling shots in Pakistan.
9 Filled with rage, he plotted and he schemed, he made threats
10 and he set deadlines. He lectured about honor and he promised
11 bloodshed, and from six thousand miles away, he delivered
12 death.

13 The defendant made no secret of who he wanted to
14 kill - he said it over and over again - he wanted to kill
15 Shujat Abbas, the boy who had helped his daughter Amina run
16 away from the marriage that the defendant had arranged, the
17 boy who had humiliated the defendant in front of his family
18 and the rest of his village, but the defendant and the man in
19 Pakistan working under his direction could not find Shujat
20 Abbas, so they chose the people closest to him, Shujat's
21 family: his father, Mohammad Asghar, this is Government's
22 Exhibit 17, father of five, and Shujat's little sister
23 Madeeha, a 22 year old school teacher, this is Government's
24 21.

25 On the defendant's orders, they gunned down Asghar

1 and Madeeha. They poked Madeeha with the barrels of their
2 guns to make sure that she was dead, and they left the bodies
3 in the gutter of a Chiryawala street like trash, and this all
4 happened because this defendant could not wait any longer to
5 show exactly what it means, exactly what happens to anyone who
6 crosses Mohammad Ajmal Choudhry and the rest of his family, to
7 teach a lesson, to send a message, to prove his honor to
8 Rukhsana, to Seemab, to Nayab, to the rest of the Asghar
9 family and to the whole village.

10 These were the defendant's words on February 21st,
11 2013, four days before the murder. This is Government's
12 Exhibit 105. The defendant said: "I will lay down three of
13 their bodies. I'll pick three of them if you do not come
14 back. As long as you're outside the home, my honor is at
15 stake. If you come back, then everything will be fine. If I
16 survive, I will live. Getting humiliated and living is not a
17 life."

18 And true to his threat, the defendant was not
19 satisfied with just the murders of Asghar and Madeeha. He
20 promised Amina that he would see to it that Shujat himself
21 died for the humiliation that he had caused. The defendant's
22 plot to murder stopped only when the agents put him in
23 handcuffs.

24 As Judge Kuntz has explained, these are closing
25 arguments, and my summation this morning is my chance to talk

Summation / Tucker

1379

1 with you about the evidence in this case, to match up the
2 testimony and the exhibits to the charges in the indictment,
3 and to demonstrate how we've proved beyond a reasonable doubt
4 that the defendant is guilty of the crimes charged.

5 Now, during this summation, I'm not going to go over
6 every piece of evidence, every page of testimony. You've all
7 been paying careful attention, that's been obvious. As I
8 speak with you this morning, you may think of other evidence,
9 of other testimony that's relevant or important, and I may
10 mention something that you hadn't thought about and that you
11 want to take a closer look at for yourselves, and ladies and
12 gentlemen, I encourage you do that because, as Judge Kuntz has
13 explained, you are the judges of the facts. It's your job to
14 consider all of the evidence, use your common sense, and reach
15 a just verdict in this case.

16 Now, as you know, the defendant is charged with
17 three crimes: conspiracy to murder in a foreign country,
18 submitting that fraudulent I-130 petition, and committing
19 threats in interstate commerce.

20 Let's talk about the first charge: conspiracy to
21 commit murder in a foreign country. Now, Judge Kuntz is going
22 to instruct you on the law. He has the final word on the law.
23 I may periodically and in passing briefly mention a legal
24 concept, and I do that solely because I want to explain why I
25 believe certain evidence and certain testimony is relevant to

Summation / Tucker

1380

1 your analysis, but Judge Kuntz's word on the law controls, and
2 if something I say is different from how he instructs you,
3 obviously you should follow Judge Kuntz's instructions.

4 I expect that the Court is going to explain that at
5 the most basic level, a conspiracy is an agreement to commit
6 and accomplish an illegal goal. Now, this charge of
7 conspiring to commit murder in a foreign country is an
8 important reason why this case has been charged here in
9 federal court, and it's why a jury sitting in Brooklyn has
10 been presented with evidence of criminal activities not only
11 that happened here in the Eastern District of New York, but
12 also evidence of violence and bloodshed that occurred
13 thousands of miles away in Pakistan.

14 This law and the reasoning behind this law are not
15 unusual or surprising. It is a crime to stand on American
16 soil and plot to murder people in another country, just the
17 same way as it would be illegal for someone to conspire to
18 commit a murder in California or in Manhattan from your house
19 in Queens. And ultimately, even though you've heard evidence
20 about a different culture in a far away place, your task here
21 is the same that juries have accomplished in this country for
22 hundreds of years. You will follow the same legal rules and
23 use the same mental tools that all juries do. While in this
24 jury box, you've been presented with evidence, the testimony
25 of witnesses who came into this court and testified before

1 you, the physical evidence, the photographs, the documents,
2 and once you've heard the lawyers' arguments and the Court's
3 instruction on the law, you will deliberate and render a just
4 verdict based on that evidence.

5 Now, here the defendant was part of a conspiracy to
6 murder Shujat and members of his family in Pakistan. The
7 reasons, the motives behind this conspiracy are tied to events
8 that set in motion seven years ago. Amina, visiting Pakistan,
9 saw Shujat at a wedding and something happened. It's a story
10 that everybody in this courtroom can relate to, it's a story
11 that happens thousands of times a day in this country, in
12 Pakistan, and all the countries in between. Amina, then 16
13 years old, developed a crush, and she started calling Shujat
14 and they started talking on the Internet, by e-mail, by
15 Facebook, and a crush turned into something more, it turned
16 into love, blind, foolish, stupid love. But the defendant had
17 promised that Amina would marry a different boy. He had given
18 his word to his siblings and Nisar Ahmed that Amina would
19 marry Nisar's son Babar.

20 Now, Amina loved, and of course continues to love,
21 her father very much, and she is the baby of the family and
22 she is accustomed to getting what she wanted. So she
23 believed, obviously naively, that she would eventually marry
24 Shujat, notwithstanding the fact that she had been promised to
25 another man. But there she made a terrible miscalculation.

1 When the defendant discovered that Amina and Shujat had been
2 talking on the phone, he brought Amina to Pakistan and then he
3 told her that she was too Americanized and that she needed to
4 learn her culture, her Pakistani culture. So the defendant
5 left her there. He took her away from her country, her
6 friends, her college. He left this 19 year old American
7 citizen in Pakistan for three years, and over that time, Amina
8 and her father didn't see each other, they barely spoke on the
9 phone. The defendant didn't come to Pakistan and Amina didn't
10 leave, couldn't leave. Knowing that she was disobeying her
11 father, she still found ways to stay in contact with Shujat.
12 He snuck her a cellphone and sometimes they would see each
13 other for a few fleeting minutes on the village streets. But
14 Amina's family discovered that she and Shujat were still
15 talking. They discovered that secret cellphone.

16 Akmal, the defendant's brother, the man charged by
17 the defendant with making sure that Amina learned her
18 Pakistani culture, told Amina that she would not be marrying
19 Shujat, she would marry Babar as had been promised, and if
20 Amina had any hope that her father could be persuaded to let
21 her choose her own husband, the defendant put that question to
22 rest in a brief telephone call, one of only a handful that he
23 and Amina had over that three-year period.

24 This is from Amina's direct examination, pages 502
25 and 503, and she's testifying about that conversation.

Summation / Tucker

1383

1 "Question: Can you tell us about that conversation?

2 " Answer: (Pausing.) My sister gave me the phone
3 and told me dad wants to talk to you. So when I picked the
4 phone, he just said, I don't want to hear any more complaints
5 from you or about you, and I will kill you if you do anything
6 wrong now.

7 "Question: At that point, had your father ever said
8 anything like that to you before?

9 "Answer: No.

10 "Question: Did you respond to him in any way?

11 "Answer: No, he hung up.

12 You heard that after that, Amina learned that her
13 nikah had been scheduled, that ceremony where the marriage is
14 legally formalized, it had been scheduled two days in advance.
15 So Amina called Babar. She told Babar that she did not want
16 to marry him, and when Akmal confronted Amina about that
17 conversation with Babar, Amina would not back down. So Akmal
18 called his brother, the defendant, and you recall what
19 happened. This is from page 516 of the transcript, Amina's
20 direct examination.

21 "Question: What, if anything, did he" - Akmal -
22 "say when he got off the phone?

23 "Answer: He told me, your father gave me -- gave
24 permission to kill you if you don't marry Babar.

25 "Question: What happened next?

1 "Answer: Everybody was worried, my sister and her
2 mom, my sister, my aunt. They kept telling me to say yes,
3 that you will marry Babar or else my uncle will" - Akmal -
4 "will kill me."

5 Of course Amina gave in after that. The nikah went
6 forward, went forward on such short notice that the defendant
7 wasn't even there. And for a time, Amina tried to forget
8 about Shujat and then in November, there was the public
9 wedding celebration. This is Government's Exhibit 841.

10 (The above-referred to exhibit was published.)

11 MR. TUCKER: And the defendant, he was there for
12 that. And after that wedding celebration, as you heard,
13 certain things were expected of Amina. She was expected to
14 live with Babar as husband and wife, and she was expected to
15 consummate the marriage, and Amina did not want to do those
16 things.

17 So she and Shujat ran away. One night in early
18 January 2013, she jumped into Shujat's car and they sped off
19 into the darkness together. Even amid all the confused
20 feelings that Amina must have been experiencing at that
21 moment, sadness about leaving her home, excitement about being
22 with the person that she really loved, Amina thought about her
23 family's reputation, their honor. She called her home in
24 Chiryawala to, as she put it, give them a heads-up about what
25 she was doing. She told them that she was returning to the

1 United States with the help of the U.S. consulate, and she did
2 this, as she explained to you, to give her family a way to
3 save face, to explain that Amina's return to the United States
4 was their decision and not her rebellion. That was not how
5 the defendant and his family wanted to handle things. They
6 quickly saw through Amina's claim that Shujat wasn't involved
7 in her escape. So the defendant and his family sent Javed
8 Iqbal to the Asghar house. Javed called Shujat, spoke with
9 him on the phone, and told him to bring Amina back, and then
10 Javed brought Asghar to that face-to-face meeting with Akmal,
11 and in that meeting, Akmal told Asghar that if Amina wasn't
12 returned immediately, Akmal and his family would humiliate and
13 molest Asghar's young daughters.

14 Now, as you heard from Seemab and Rukhsana, these
15 events left Asghar and his family terrified and confused.
16 Remember, Shujat wasn't around. He was with Amina. It was
17 Asghar, Rukhsana, and their three young daughters, and the
18 family doesn't know exactly what's going on. They don't know
19 the full details about Amina and Shujat's relationship, the
20 fact that they have been secretly communicating for six years,
21 but Asghar and his family did know that the Choudhrys are very
22 powerful, they're very influential, and they are angry.

23 This is testimony from Seemab Asghar, pages 77 and
24 78 in the transcript.

25 "Question: Okay. How did you feel personally when

Summation / Tucker

1386

1 you found out that Amina had left?

2 "Answer: I was scared.

3 "Question: Why were you scared?

4 "Answer: So actually Amina was a girl from Ajmal's
5 family. So they were really powerful. So in case if you have
6 trouble with Choudhry's family, that means you are causing a
7 great, great trouble for you in the future."

8 So in the middle of the night, with Akmal's threat
9 ringing in his ears, Asghar takes his wife and his three young
10 daughters to stay in Kotla. Of course that wasn't a
11 sustainable solution. The family's home, the girls' school,
12 their livelihood are in Chiryawala. So after a few days, they
13 return home and as Seemab told you, danger was everywhere.
14 People were talking about this in town. The family was
15 afraid, and Amina is still missing.

16 As you remember, a few weeks later on January 25th,
17 2013, the Asghar family had traveled to Barnala for a funeral.
18 Now, as you've heard, funerals in Pakistan take place over the
19 course of several days, but even as they were trying to grieve
20 over the loss of their family member, Asghar and the rest of
21 his family are talking about the Choudhrys. They're thinking
22 about the Choudhrys. And I submit it's hard to imagine that
23 they were thinking about much else during these days. And as
24 the family sat together that following day, January 26th,
25 discussing this growing feud, Javed Iqbal calls Asghar and

1 tells him: We want all of you to come back to Chiryawala to
2 discuss this matter. And then Akmal got on the phone and
3 Akmal was angry, and he was clear: Bring back Amina or we
4 will kill Shujat.

5 Now, at this point, as they both testified, Rukhsana
6 and Seemab were sensing trouble. Even in Javed's seemingly
7 innocent offer to get everybody together to discuss this, they
8 smelled a trap and they begged Asghar to not go or at least to
9 involve the police, but Asghar still believed that with
10 Javed's help he could reason with the Choudhrys. He still
11 didn't realize the extent of the relationship between Shujat
12 and Amina. He doesn't know that Shujat's been involved in
13 Amina's disappearance. He still thinks this is all a big
14 misunderstanding.

15 So Asghar and Rukhsana left their daughters in
16 Barnala and drove back to Chiryawala in their Jeep, and as
17 they passed that well just outside of their village, Akmal
18 opened fire, leaving their car, their Jeep riddled with bullet
19 holes. This is Government's Exhibit 834.

20 And who was Akmal with on this day on January 26th?
21 Babar, Amina's husband, Nisar Ahmed, Babar's father, Mazhar
22 Iqbal, Afzal's son-in-law and Javed's cousin, Sain Ashfaq, a
23 servant for the Choudhrys who lived in the Choudhrys' home.

24 As Rukhsana testified, she and Asghar barely escaped
25 with their lives that day. Those bullets came within inches

1 of killing him. She told you that they went into the
2 dashboard. She told you it was God who saved them on that
3 day.

4 Seemab learned about that ambush when her father
5 called her later that day and told her that Akmal and his
6 group had attacked them. So Seemab, then 19 years old, called
7 Javed herself and she confronted him, and Javed denies knowing
8 anything about this ambush. Javed told Seemab, "I have been
9 sleeping for the past two hours." Nevermind that it's early
10 in the evening at this point, Javed said he's sleeping. But
11 then Seemab pointed out that Mazhar Iqbal, Javed's cousin, was
12 present for that ambush, and in response to that, Javed tells
13 Seemab, "I've been talking with Mazhar for the past two
14 hours," and when Seemab confronts Javed with this obvious
15 contradiction, what happens? Javed gets off the phone.

16 Now, in the days that follow, obviously the Asghars
17 were more afraid than ever. Now it wasn't just threats. The
18 Choudhrys had proven that they were willing to take deadly
19 action to carry out their threats. They were afraid to leave
20 their home, they were afraid to send their daughters to
21 school, and that fear was amplified even further when Javed
22 came over to the house a few days later, and you heard that
23 when Javed came inside the Asghar house, he was already on his
24 cellphone with Afzal, the defendant's brother, the Nazim, the
25 Mayor. Javed demanded that Asghar speak with Afzal directly.

1 Now, Afzal's a politician. He makes an offer: if Amina comes
2 home, everything will be peaceful like it was before, but then
3 the defendant gets on the line. The defendant hammers the
4 point home. He's not subtle, he doesn't make an offer.

5 This is Seemab's direct examination, page 129, and
6 she's testifying about what the defendant said.

7 "Answer: Sure. He said, "if Our daughter will not
8 come back to the home, we will kill all five of you, otherwise
9 we will find your son and we'll kill him or if that is not an
10 option, just leave Chiryawala and get out of Chiryawala." And
11 further he said, "This time we attack on your car, it was
12 threatening, but next time we will -- we will shoot all in the
13 chest or all five of you."

14 "Question: So this is -- I'm sorry, can you repeat
15 the last part?

16 "Answer: Sure. He said, "This time we shoot on
17 your car. It was threaten, but next time we will shoot in the
18 chest of all five of you."

19 The defendant's words are so telling. They are so
20 damning. Remember, the defendant is in the United States. No
21 witness says he's in Pakistan on January 26th. You've seen
22 the border crossing records, but in that call, this defendant
23 owns that ambush. He says "we." He doesn't say "my family
24 attacked the car." He doesn't say "some guys attacked the
25 car." He says we because this is the defendant's attack.

1 This is the defendant's daughter. This is the defendant's
2 ultimatum, his promise of future violence. The next time, we
3 will shoot all five of you in the chest.

4 You heard from Seemab and Nayab what life was like
5 after hearing those words from the defendant. Ladies and
6 gentlemen, Asghar had his family sleeping in a shed behind
7 boxes of wheat because that was the only thing he could think
8 to do to protect them from the Choudhrys' bullets. The police
9 weren't helping. He and Rukhsana and their three young
10 daughters were alone in a hostile village.

11 Now, as you know, by this time, Amina was in touch
12 with federal agents here in the United States. She had told
13 them about this January 26th ambush. She had informed them
14 about the dangers to Shujat and his family and they began to
15 make a series of calls to the defendant, calls that the
16 defendant did not realize were being recorded. During the
17 first phone call on February 15th, 2013 to the defendant's
18 cellular phone, the defendant tried to persuade Amina to come
19 home quietly, and then he made her a promise.

20 This is Government's Exhibit 101 at page 5.

21 "Defendant: I am going to harass them until I find
22 you.

23 "Amina: Why were you harassing them?

24 "Defendant: I will harass them until I find you.

25 When you come back, I will stop doing it."

1 Just a few days later on February 20th, Amina called
2 again, and over the course of three telephone calls with the
3 defendant, with his brother Afzal, the Nazim, and other family
4 members that day, it became crystal clear that not only are
5 the defendant and his family members responsible for the
6 January 26th ambush, they're planning future violence.

7 During that first call between the defendant and
8 Amina on February 20th, the defendant tells Amina, and this is
9 Government's Exhibit 102 at pages 3 and 4: "Until I find you,
10 nothing is going to stop. I'm going to kill their whole
11 family. There is only one thing, come home. I swear to God,
12 no harm will be done to you if you come back home. No one
13 will bother you. Until I find you, I will go kill all their
14 members one by one."

15 The defendant continues: "I will keep shooting at
16 them, until you come back home. I will kill myself and I will
17 also make sure that I kill all of them."

18 Just a few minutes later, at the defendant's
19 instruction, Amina called the family's home in Brooklyn and
20 spoke with the defendant's brother Afzal, who you remember was
21 staying with the defendant at this time, and while Afzal's not
22 on trial here, his words are very important, I submit, because
23 they show you two very important things. First, just as
24 you've heard from the witnesses, Amina was not viewed by the
25 family as only the defendant's daughter. She is the family's

1 daughter. She is Akmal's daughter and she is Afzal's
2 daughter, as well as being Ajmal's daughter. The dishonor
3 that her actions have caused affects not only the defendant,
4 but the whole family, all three brothers Choudhry.

5 Second, Afzal, like the defendant, doesn't deny the
6 Choudhrys' role in this violence in Pakistan. He takes it for
7 granted.

8 This is Government's Exhibit 103 at five. Amina
9 says: "First you have to stop shooting at them, then I will
10 see --"

11 And he cuts her off: "Forget about the shooting.
12 When you do such things, God only knows what would happen
13 next."

14 His tacit admission here is powerful and telling,
15 ladies and gentlemen.

16 Then during that final call on February 20th, Afzal
17 explains to Amina why he and the defendant and the rest of the
18 Choudhry family were so dead set on murdering Shujat and his
19 relatives.

20 This is Government's Exhibit 104 at 8, and Afzal
21 talking: "It was them who got involved. If someone does this
22 to the parents, they do not stay alive. Either they kill
23 themselves or kill the other party, this happens. This is not
24 only happening to us in the world. It's not that this is
25 happening to us for the first time, it has happened before."

1 And Afzal continues: "Families who have been
2 dishonored, they do whatever is possible on their hands." He
3 tells Amina: "Ask the people you are living with or anyone
4 else, if somebody -- this is a custom of the world," he says,
5 "that if someone disgraces someone's daughter, this is a
6 matter of honor, my child. Either they die or they are
7 ruined."

8 Now, ladies and gentlemen, Afzal's statement about
9 this happening before is important too. As Amina told you
10 when she testified, reluctantly, this was not the first time
11 that one of the defendant's daughters had left. It was not
12 the first time he had been embarrassed in this way.

13 One day later on February 21st, 2013, Amina called
14 her father's cellphone again, and he was in his taxicab.

15 This is Government's Exhibit 105 at page three.

16 "Defendant: Leave them. Why would I kill them?"

17 "Amina: Because you said this yesterday.

18 "Defendant: Yes, only if you don't return home.

19 "Amina: But they have nothing to do with my coming
20 over here. I --

21 "Defendant: Whether they have a hand in all this or
22 not, I have been humiliated in front of the entire community
23 and my siblings. If you come back, I will have some kind of
24 an excuse for face saving. Just come home and save me from
25 this humiliation."

Summation / Tucker

1394

1 And as you'll remember, the defendant told Amina how
2 frustrated he was that two months had passed, two months since
3 she had left, two months and he had not been able to kill
4 Shujat, he had not been able to find him yet. And then he
5 made Amina that fateful promise.

6 This is Government's Exhibit 105 at page 6.

7 "Defendant: Take note of one thing.

8 "Amina: What?

9 "Defendant: If you don't come back, I will kill
10 each and every one of them. I will go to jail. The entire
11 family will go to jail. Once they will be killed then they
12 will catch. Write it down."

13 Four days later after that call, Asghar and Madeeha
14 were dead, gunned down in the street. You remember how that
15 day began for Rukhsana. She awoke and she prayed and she
16 prepared her daughters for school. And things remained tense
17 between the Asghars and the Choudhrys, so Asghar and Rukhsana
18 took precautions to try to keep their family safe. Rukhsana
19 insisted on walking Nayab to school that day. Asghar made
20 plans to pick up Madeeha from her work that afternoon. On
21 that day, Javed called and told Asghar to come to Irfan
22 Uddin's house. You will remember Irfan Uddin, he was an MPA,
23 a Member of the Provincial Assembly in Pakistan. So Zameer
24 Abbas drove Asghar to Irfan Uddin's house on a motorcycle, and
25 as Rukhsana testified, she was very, very worried.

1 Now, Seemab had asked Rukhsana to pick her up around
2 1:30 from that van or bus stop, and as you remember, that was
3 the subject of a lot of cross-examination by the defendant's
4 lawyer. Seemab's van was running late that day. She and
5 Rukhsana met up a bit after 1:30, maybe 1:35, maybe a little
6 bit after that. In any case, they were walking back toward
7 their home when they saw Zameer and Asghar and Madeeha riding
8 back toward their home on that motorcycle, and then as both
9 Seemab and Rukhsana testified, shortly thereafter they heard
10 the sound of automatic gunfire. You remember from the stand
11 Rukhsana demonstrated that for you, ta, ta, ta, ta, ta, and
12 they ran toward it. Now, I submit to you that's an unusual
13 idea, running toward the sound of gunfire, but for Seemab and
14 Rukhsana and the Asghar family, these were very unusual times
15 because they had been living in fear for weeks at this point,
16 fear that the Choudhrys were going to attack them again, and
17 when they saw Asghar and Madeeha and they heard those gunshots
18 shortly thereafter, they had to find out if their family
19 members were okay. They wanted to get there and see Asghar
20 and Madeeha safe and alive and well, but you know that's not
21 what they saw. They saw Asghar and Madeeha lying in the
22 street bleeding, shot to death, and they saw Akmal, Nisar,
23 Babar, Sain Ashfaq standing over the bodies checking them.
24 They saw Akmal poking Madeeha with the barrel of his assault
25 rifle. They heard him say: They talk a lot about our family

1 and now I'm taking revenge.

2 Seemab, upon seeing all this, called out for her
3 father, Abu. When that happened, Akmal and his men turned and
4 called out: They're here. Catch them and kill them. So
5 Akmal and his men, still armed with those automatic rifles,
6 chased Seemab and Rukhsana, and Seemab tripped and she and her
7 mother became separated. Seemab saw Akmal fumbling with his
8 gun as he came toward her.

9 This is from Seemab's direct testimony, transcript
10 page 163.

11 "I don't know what it was," Seemab testified.
12 "There was something in the gun. They was pulling out that
13 part of the gun.

14 "Question: Someone was pulling out a part of the
15 gun?

16 "Answer: Yes.

17 "Question: Did you see who was doing that?

18 "Answer: All I remember, it was Akmal.

19 "Question: I'm sorry?

20 "All I remember, it was Akmal. That's all I
21 remember."

22 And you know, ladies and gentlemen, I submit,
23 exactly what Akmal was doing there. He was changing out his
24 magazine, his clip, he was reloading his automatic rifle
25 because he'd already emptied it killing Asghar and Madeeha.

1 That's why there were so many of those shell casings on the
2 ground. He was getting ready to kill Seemab because that was
3 the plan all along, because if they couldn't find Shujat, they
4 were going to get the people closest to him, they were going
5 to kill Shujat's family.

6 Now, remember what Seemab told you as she was hiding
7 after she had become separated from Rukhsana. She told you
8 that she heard the voices of Akmal and the men who were
9 chasing her.

10 This is transcript page 164, Seemab's direct
11 testimony.

12 "Question: What did you hear voices say?

13 "Answer: I don't know. One of the persons was
14 saying -- was talking on the phone. They said that they're
15 somewhere here, it's hard to find them. But --

16 "Question: It -- I'm sorry, go ahead.

17 "Answer: And people around us, it's hard for us to
18 find them.

19 "Question: So I just want to make sure I
20 understand. You heard someone who sounded like they were
21 talking into a phone; is that right?

22 "Answer: Yes.

23 "Question: And what did you hear that person say?

24 "Answer: They are here. People are starting
25 gathering, so it's hard to find "them".

Summation / Tucker

1398

1 "Question: Who did you understand the "them" to be?

2 "Answer: Obviously it was my mother and I. We were
3 there."

4 Finally the police came, and as you heard, Seemab
5 stayed with her father's and sister's bodies as they waited
6 for Nayab to be brought to the scene from her school, and
7 Rukhsana and the police looked for Akmal and his men. Of
8 course they didn't find them. Akmal and his men were in
9 hiding. They had known what was coming. They had known that
10 after they committed these crimes, they couldn't just be
11 sitting around their homes. They had even made arrangements
12 to take their children out of school early on that day, as
13 Nayab testified.

14 Now, as you know, the defendant was keeping careful
15 track of all of this violence in Pakistan from his house in
16 Brooklyn and from his taxicab. He was on the phone nonstop
17 talking to the key people, and when Amina called him at 11:42
18 a.m. that morning on February 25th, the defendant made one
19 thing perfectly clear: He was not finished, this was not over,
20 because his honor had still not been satisfied.

21 This is Government's Exhibit 106 at 9.

22 "I will not leave single member of their family
23 alive. My name is tainted everywhere in newspapers, on T.V.
24 channels, that I am a man with no honor, my daughters are
25 whores. I have no place to show my face with dignity. You

1 still have time. Think about it. In 24 hours, call me,
2 wherever you are.

3 "Amina: What will you do after another 24 hours?

4 "Defendant: After 24 hours, something else will
5 happen. Another person will be gone."

6 Two people are dead in Pakistan, a father of five
7 and a 22 year old school teacher, and the defendant is still
8 plotting another murder. He wants Shujat dead. He won't be
9 satisfied until he gets the person he believes is responsible
10 for all of his embarrassment, all of his humiliation, all of
11 the damage to his honor. He wants three bodies. Like the
12 calls before, he's asking Amina, "Where is she?" And equally
13 importantly, "Where is Shujat? Is he coming to the funeral?"
14 Because what could be a better time to kill Shujat than at his
15 father's own funeral. Of course Shujat didn't, he couldn't
16 attend his father and sister's funeral. It wasn't safe. And
17 the agents arrested the defendant at his home in Brooklyn that
18 night.

19 But how do you know that things happened this way?
20 How do you know that the defendant is guilty of conspiring,
21 planning, agreeing to murder Shujat and his family? How do
22 you know that the Government has met its burden to prove this
23 case beyond a reasonable doubt?

24 Well, to start with, you know that the defendant was
25 a member of this conspiracy, was a leader of this conspiracy

Summation / Tucker

1400

1 from the testimony of Seemab and Rukhsana and Nayab. They
2 gave credible eyewitness testimony about the events in
3 Pakistan, and their testimony, I submit, ladies and gentlemen,
4 is credible and consistent in every meaningful respect.
5 Seemab and Rukhsana both told you about the night that Amina
6 disappeared, and at that point, within just a few hours of
7 Amina leaving the family home in Chiryawala, the Choudhrys
8 were already accusing Asghar and his family of being involved
9 in this, Javed and Mazhar are over at Asghar's home demanding
10 that Shujat bring Amina back right away or else.

11 Rukhsana tells you about that January 26th ambush in
12 which Akmal opened fire on their Jeep and he was with Babar
13 and Nisar and Sain Ashfaq, and that account is corroborated
14 and confirmed by Seemab's testimony, including that
15 conversation when she confronted Javed about his involvement
16 in the ambush a few hours later and Javed denied knowing
17 anything about it, saying first he had been sleeping and then
18 he and Mazhar had been together the whole time. It's also
19 established by Government's Exhibit 834, the photographs of
20 that Jeep with the bullet holes.

21 Both Seemab and Rukhsana told you about that
22 telephone call in which the defendant and Afzal both
23 threatened Shujat and the lives of Asghar's family, that call
24 where the defendant admitted his involvement in the January
25 26th ambush.

Summation / Tucker

1401

1 MR. TUCKER: Remember his words: That first
2 shooting was just a warning. But if Amina is not back in two
3 hours, we will shoot you in your chest, all five of you. And
4 of course both Seemab and Rukhsana told you about the
5 murders, about Akmal, Nisar and Babar and Sain Ashfaq and
6 others. Armed with long guns, desecrating the bodies of
7 their loved ones, chasing them. Nayab's testimony about
8 Zafir pulling Akmal's children out of school early, even
9 before Nayab had learned about her father's and sister's
10 deaths.

11 Ladies and gentlemen, these women came 6,000 miles
12 to testify before you, to give their account of what they saw
13 and what they heard of what had happened to them. They
14 couldn't stay in Chiryawala. They had to leave their home,
15 their land, everything that they had known. And, yet, they
16 came before you and they testified. They spoke to Asghar,
17 they spoke to Madeeha. They told you about the fear that they
18 felt. The devastation that they experienced at the loss of
19 their two loved ones.

20 Ladies and gentlemen, you saw their testimony. You
21 saw them both get cross-examined in detail by the defendant's
22 lawyer. I submit, they never wavered, not for a moment. But
23 the proof here of the defendant's guilt goes far beyond the
24 testimony of those credible eyewitnesses.

25 Ladies and gentlemen, you have the defendant's own

Summation / Tucker

1402

1 words caught on tape, and I submit to you that they are
2 damaging.

3 Now, by this point in the trial you know these
4 consensual recording transcripts well. You've heard them and
5 read them several times. I submit to you, there is no
6 confusion, no ambiguity here. On the contrary, these
7 recordings are a window into the defendant's mind. They are
8 proof of the extent of his desperation, his determination to
9 employ any means, including violence and murder to get exactly
10 what he wants -- Amina back home, Shujat dead and his honor
11 restored.

12 Now, as you know, as Judge Kuntz has explained, when
13 I'm done with this summation, the defendant's lawyer gets to
14 stand up and he gets to address you. And he's going to make
15 his arguments. And I don't know what he's going to say. But
16 I suspect that he is going to try to argue, probably better
17 than I will here, that the defendant's statements were just a
18 bunch of empty threats. Maybe he'll claim that they were the
19 words of a worried father, a man prone to exaggeration,
20 emotional outbursts that don't prove anything.

21 I submit, ladies and gentlemen, you should reject
22 that argument in its entirety. Because it's simply, totally,
23 completely wrong and not supported by the evidence in any way.

24 You will remember when Agent Heck testified early in
25 this trial, we played the audio of those recorded calls

1 between the defendant and Amina, and it was probably a bit
2 tedious. Obviously -- presumably, you don't speak Punjabi.
3 Maybe you were thinking, why are they making me listen to
4 these recordings? Why not just focus on the English
5 transcripts? The reason for that is that the audio here
6 allowed you to hear the defendant's tone of voice and the
7 defendant's tone of voice was very telling.

8 You remember that first call on February 15th? The
9 defendant was obviously very, very upset. He was crying.
10 Amina was crying. It was an emotional heartbreaking call.
11 But there were five more consensually recorded calls after
12 that. And ladies and gentlemen -- and you can review those
13 calls again, if you wish, during your deliberations. But I
14 submit to you, that in those calls the defendant was not
15 emotional, he was matter of fact. His tone was steady. He
16 was resolved.

17 The defendant was not out of control as he said
18 those things. He was very much in control, and that was
19 totally apparent. It was apparent in his promises, in his
20 threats, in his words that he was going to harm Shujat unless
21 Amina returned home. And even when he was not making explicit
22 threats, the promise, the shadow of what he was prepared to do
23 shines through in those recordings.

24 Now, I suspect that the defendant's lawyer, as he
25 did in his opening statement, is going to try to make a lot of

1 the fact that the defendant denied being involved in the
2 murders during that consensually recorded call on
3 February 25th. And maybe he'll note that the defendant swore
4 to Amina that he had nothing to do with the murders.

5 And you will remember in Mr. Sosinsky's opening
6 statement, how he made reference to this concept of swearing
7 and oaths. And he said that was going to be something that
8 came clear during the trial. And it did. Because he asked
9 Amina about it on cross-examination. This is page 624.

10 "In at least one of the telephone calls with your
11 father on February 25, 2013, you asked him, after he said
12 certain things to you, whether he swore that what he was
13 saying to you was true, right? Was the truth?"

14 "ANSWER: Yes.

15 "QUESTION: Right?

16 "ANSWER: Yes.

17 "QUESTION: And you can tell us when you did that,
18 that was because, as you just explained, you understand that
19 at least within your family and your culture, that if someone
20 was going to swear on the life of, for example, your mother or
21 their mother, that what they were saying had significance.
22 Right?

23 "ANSWER: Right."

24 Take a close look at the consensual calls as a
25 whole, ladies and gentlemen. They're all in evidence. Don't

Summation / Tucker

1405

1 just look at pieces. If you do, you might accidentally miss
2 this. This is Government Exhibit 106 at page nine.

3 *Defendant: I am not going to scare anyone. I swore*
4 *on your mother but you didn't respect it. But I swear on my*
5 *mother now and I will keep that promise. I will not leave a*
6 *single member of their family alive.*

7 Please look at the calls as a whole. These
8 transcripts are important. Look at what the defendant
9 actually says. Here's another example from that
10 February 25th call, this is Government Exhibit 106 at page
11 three.

12 *Amina: Have you done this?*

13 *Defendant: What should have been done?*

14 *Amina: I told you I will come back and I was*
15 *thinking about it, and you --*

16 *Defendant: Come back home right now. We will be*
17 *spared. Just come home. It's final.*

18 *Amina: Now there's no way left. You have already*
19 *killed them.*

20 *Defendant: Even now come back home, otherwise all*
21 *of us will be killed and so will they.*

22 *Amina: Did you kill?*

23 *Defendant: How can we kill?*

24 *Amina: Then how were they killed?*

25 *Defendant: How will I know?*

Summation / Tucker

1406

1 Think about the defendant's words here. Why is the
2 defendant being so coy about his involvement in the violence
3 in Pakistan. Why spend the first minutes of his call
4 answering Amina's questions this way? Two reasons, I submit.

5 First, because the defendant had arranged and agreed
6 and conspired to have Asghar and Madeeha killed.

7 And second, because he wanted Amina to know that or
8 at least suspect it strongly enough that she would decide to
9 come home.

10 Now, a word about Amina, because I suspect that
11 Mr. Sosinsky is going to spend some time on her in his
12 summation, just as he did in his opening statement. Because,
13 yes, Amina lied to the government, she lied to agents, she
14 lied to prosecutors about her relationship with Shujat. She
15 lied about it for a long time, and she eventually admitted
16 that to the government. She admitted it to the prosecutor,
17 she admitted it to the agents, and she admitted it to you.

18 And while no one in this courtroom will say for a
19 moment that the idea of lying to prosecutors or agents is
20 appropriate, I will say that this lie was not particularly
21 surprising, given who Amina is. Given the family in which she
22 grew up. With that said, both Amina and Nasreen, the
23 defendant's other daughter, whom the government called as a
24 witness, gave some pretty interesting testimony. I'm sure it
25 was quite clear to all of you that neither Amina nor Nasreen

Summation / Tucker

1407

1 wanted to be here; notwithstanding the fact that Nasreen said
2 that she did.

3 They were in an extraordinarily tough position. I
4 think that was obvious to everyone. These are two young
5 people who were asked to come in here and tell the truth,
6 knowing that telling the truth would mean providing evidence
7 against the defendant, their father. And at the risk of
8 stating the obvious, I submit that neither witness was
9 completely truthful to you.

10 As Judge Kuntz is going to instruct you, it is the
11 jury's role, your responsibility to determine whether
12 witnesses are telling the truth. And sometimes witnesses tell
13 the truth about some things and not about other things. And
14 it's your job to sort that out. But as you consider Amina and
15 Nasreen's testimony, give some thought to the core points of
16 their testimony and ask yourselves whether that was true and
17 what should I disregard as false.

18 With respect to Amina. First, Amina told you that
19 she fell in love with Shujat not long after she first saw him
20 at that wedding, and that they struck up a relationship,
21 communicating by phone and via the internet. Is that
22 believable? Of course it is. I doubt even here the defense
23 lawyer will argue otherwise.

24 What's the next thing? Amina told you that she told
25 her father, the defendant, that she wanted to marry Shujat and

1 not Babar, that she had been promised to. She told you that
2 her father told her that she would not be allowed to marry
3 Shujat.

4 Again, I don't expect there will be any real dispute
5 here. The defendant says as much in the consensually recorded
6 call, and this is government 105 in particular, at page nine.
7 This is the defendant speaking:

8 *I remember now. You were telling me that you wanted*
9 *to marry Shoshi -- and of course Shoshi is Shujat, her*
10 *testimony about that.*

11 *You said you thought I'll agree. I remember. I*
12 *told you that I will marry whoever you want on the first day,*
13 *but not in that family because the entire family is immoral.*
14 *They are bastards. I couldn't find another decent family at*
15 *that time. I cannot find any other alliance.*

16 *Oh, yes. If you had made this clear with us, we*
17 *thought that you wanted to be Shoshi.*

18 Amina told you that her father brought her to
19 Pakistan and made her stay there for three years. Made her
20 leave her college and her life in the United States. Well,
21 you saw the boarder crossing records, Government Exhibits 201,
22 202, 203, and 204.

23 What happened? Amina and the defendant left the
24 United States together on November 29, 2009. And then the
25 defendant returned on his own, on December 15, 2009, but Amina

1 wasn't with him. The defendant left the United States again
2 in September of 2012 and returned to the United States on
3 November 27, 2012, this time with his brother Afzal. Still no
4 Amina. She hasn't come into the country. She doesn't come in
5 until January 7, 2013, after she escaped with Shujat's help.

6 Amina also told you that while she was in Pakistan,
7 Akmal, her uncle, and her father threatened her life if she
8 didn't go through with the marriage to Babar. I submit,
9 that's pretty credible, given what you know about conservative
10 Pakistani culture, how it operates, as you heard from
11 Professor Ewing.

12 Remember what the government's expert told you about
13 how violence can result when arranged marriages are disrupted.
14 This is Professor Ewing's direct testimony on page 687:

15 "QUESTION: Professor Ewing, how does the violence
16 address the dishonor that occurs when an arranged marriage is
17 violated or disrupted?

18 "ANSWER: Well, part of the -- I mean, the common
19 statement that people make is that my, you know, I had been
20 shamed or I have to restore my honor or the family's honor. I
21 think part of the logic is that in terms of certain cultural
22 practices in Pakistan and certain principles, that masculinity
23 and honor are linked with being able to assert one's authority
24 and control, even when it's emotionally painful. In other
25 words, you may, for example, love a daughter and yet feel that

Summation / Tucker

1410

1 you have to do this because -- to prevent or to demonstrate
2 that you're strong, that you are a strong man."

3 And the defendant admitted that he was well aware of
4 Akmal's threats, Chacha's threats of Amina's life while she
5 was in Pakistan, even if the defendant claims they were never
6 going to carry them out. And this is Government Exhibit 105
7 at page 8. *But you asked ChaCha to kill him*, and ChaCha of
8 course is the younger paternal uncle.

9 ***Defendant:*** *I asked ChaCha?*

10 ***Amina:*** *Yes.*

11 ***Defendant:*** *I asked ChaCha to just to calm down the*
12 *situation.*

13 ***Amina:*** *But he was about to kill me.*

14 ***Defendant:*** *Oh, come on. Nobody was going to kill*
15 *you. We were just trying to scare and threaten you. Giving a*
16 *threat is not killing. No one kills their own children. It*
17 *is just a threat to scare. I mean, the support was asked from*
18 *you. These were your maternal grandparents. These were your*
19 *maternal grandparents. I thought you will live happily. They*
20 *will be in their home living happily. Others are happy in*
21 *their houses. A person living in his own home is always*
22 *satisfied.*

23 *I was looking for your happiness. I will be*
24 *satisfied. He is your maternal uncle's son and he is your*
25 *uncle.*

Summation / Tucker

1411

1 And then Amina went through with that arranged
2 marriage. She told you about that. She did it against her
3 will. And then she ran away with Shujat because she knew that
4 she was going to have to consummate that marriage.

5 Now, to be sure, Amina's testimony was important.
6 It provided you with certain background information, a certain
7 sense of context. But is there really anything about those
8 core parts of Amina's testimony that don't seem credible to
9 you? I submit that it is credible.

10 Still, I expect the defendant's lawyer to talk about
11 Amina's lies, lies to the agents and the prosecutors about her
12 relationship with Shujat. But think about this for a moment:
13 You heard and you saw Amina's testimony. You heard her say
14 that she hopes to go home one day. That she doesn't believe
15 that her father is guilty, should be convicted, to be
16 specific, of committing the fraudulent immigration paperwork,
17 even though she certainly never signed that paperwork, as is
18 required by law. Having heard those things, having seen
19 Amina's testimony, do you believe Amina would be more inclined
20 to exaggerate her father's crimes or to minimize them? She
21 told you, I was mad at him at first, but now I pray for him.

22 Ladies and gentlemen, if Amina is shading her
23 testimony, I submit, it's to the defendant's benefit. She's
24 leaving out things that he did.

25 MR. SOSINSKY: Objection.

Summation / Tucker

1412

1 MR. TUCKER: She's minimizing his actions because
2 that's her father. And even after all that's happened, she
3 still loves him.

4 Nasreen was the same way. You heard her testimony.
5 She was in a very tough spot on that witness stand. She did
6 her very best to help her father out.

7 MR. SOSINSKY: Objection.

8 THE COURT: Overruled.

9 MR. TUCKER: But think about what she lied about.
10 She testified under oath before the grand jury back in
11 November about this early morning meeting on the day of the
12 murders, February 25th, this panic family conference on the
13 third floor in which her father, the defendant, was a part.
14 But on Monday when she came into this courtroom to testify
15 before you, she told you a different story. Suddenly she
16 believes the defendant wasn't present for this early morning
17 meeting on the third floor.

18 What accounts for this change? Well, obviously
19 November 2013 was much closer in time to the incidents about
20 which she was testifying about the actual murders. And maybe
21 her memory has faded. That happens to the best of us. That
22 happens to everybody. But when I reminded her about her prior
23 testimony, she still denied it. What changed?

24 Well, she told you she had spoken to the defendant
25 since she testified before the grand jury, and she had spoken

Summation / Tucker

1413

1 to her family, and she decided to change her story, to try to
2 help out her father. But you know the truth. He was there.
3 The defendant was there. He and Shakeel and Khalil and the
4 rest of the family, they were all there early in the morning
5 talking about the murders that had just happened in Pakistan.
6 And you know that just as surely as you know that the family's
7 reputation was hurt when Amina ran away. Just as Nasreen
8 testified in the grand jury, just as she denied when she was
9 testifying in front of you.

10 Ladies and gentlemen, you know that the defendant is
11 guilty of conspiring to murder Shujat and his family members
12 because the evidence proves it. The eyewitness testimony is
13 confirmed by the recordings of Amina and the defendant. And
14 Amina and Nasreen's testimony confirms that the recordings
15 mean exactly what they seem to mean. All of this together
16 proves that the defendant was part of an illegal agreement
17 with Akmal and Mazhar and Javed and Nisar Ahmed and Babar and
18 Sain Ashfaq and others to kill and murder Shujat and Shujat's
19 family members.

20 But even beyond this testimony, I don't understand
21 this evidence, these recordings. You have the document, the
22 objective proof that corroborates and confirms the testimony.
23 And it shows that the defendant not only had a motive here, he
24 had opportunity. What does that mean?

25 It means that the defendant was in touch with all

Summation / Tucker

1414

1 the people who were committing this violence in Pakistan. He
2 was speaking with the key players in Pakistan at the critical
3 times.

4 Now, you heard about the phone evidence and the Taxi
5 and Limousine Commission or TLC evidence. It was complicated.
6 It wasn't the most interesting testimony. It was a little bit
7 tedious, but it was necessary. Because the phone and TLC
8 records show and tell you a great deal about the defendant's
9 comings and goings and who he was speaking with during those
10 critical times. What are those critical times? Well, there's
11 the January 26th 2013 ambush and the February 25, 2013
12 murders.

13 So let's start with the January 26th ambush. We're
14 looking at Government Exhibit 721, it's in evidence. This is
15 the summary chart that Agent Lee testified about. The day
16 before the ambush, January 25th, who was the defendant
17 speaking with? He's speaking with Javed. He's speaking with
18 Akmal. And as you remember, Javed is the one who called
19 Asghar and his family while they were at that funeral in
20 Barnala. And during that call, both Javed and Akmal told
21 Asghar that he would -- he should return to Chiryawala
22 immediately with Amina. And of course Akmal, he is the
23 shooter in that January 26th ambush. That's what Ruhksana
24 testified.

25 And on January 26th, sure enough, the defendant was

Summation / Tucker

1415

1 speaking with Akmal repeatedly throughout that day. As I
2 said, ladies and gentlemen, the call records show opportunity.
3 They show the defendant was in contact with Akmal and others
4 who were involved in that January 26th ambush. The call logs
5 are consistent with the government's other proof, that the
6 defendant was intimately involved in planning that ambush and
7 was seeking updates about whether it had succeeded.

8 Now, the other critical date, of course, is the
9 February 25, 2013 murders. And that call activity is captured
10 here in Government Exhibit 722. And what it shows is
11 striking, ladies and gentlemen.

12 As Agent Lee testified during that 24-hour period,
13 from 10 p.m., on February 24th to 10 p.m. on February 25th,
14 the defendant made 114 calls, more than twice his normal daily
15 call line. Now, on cross-examination the defendant's lawyer
16 asked a lot of questions about those calls that lasted less
17 than a minute.

18 Word on that. First, as you understand, not every
19 call that last less than a minute is a dropped call. That's
20 just not true. That's not correct. But conceding for a
21 moment that there were a lot of short calls during this day,
22 consider the significance of that just for a moment. Think
23 about your own lives. When things aren't urgent and you call
24 a family member and they don't answer, maybe you leave them a
25 message, maybe you don't. Maybe you think, I'll call them

Summation / Tucker

1416

1 back later or maybe they'll see my missed call and they'll
2 call me back. But what about times when things are urgent?
3 What about when you need to reach a family member or a friend
4 or a co-worker. That's when you call over and over again.

5 You don't call a far away family member and speak
6 for a few minutes and then hang up and then call them right
7 back, unless you have a reason. Unless something's going on
8 that you're keeping close track of. And that's exactly what
9 Government Exhibit 722 shows.

10 Now, you know the situation starting on
11 February 24th in Brooklyn. The defendant had this
12 conversation with Amina three days earlier, on February 21st,
13 when he's pledged that he's going to lay down three bodies,
14 that he's going to kill Shujat and Shujat's family. The
15 wheels are in motion. The defendant is out working, as he
16 customarily did at night. And he gets this phone call from
17 this phone number that belongs to Nisar and Babar. Nisar, of
18 course -- Babar, of course, is Amina's husband and Nisar, of
19 course, is Babar's father.

20 The defendant gets this call and he takes a fare, a
21 taxi fare from Manhattan to Brooklyn, and that ends up being
22 his last taxi fare of the night. He goes home. I submit he
23 goes home to 817 Foster Avenue in Brooklyn, and he makes lots
24 and lots of calls throughout the rest of the night -- makes
25 and receives.

Summation / Tucker

1417

1 And you know this is unusual. Government Exhibit
2 606 shows you that. The defense lawyer's opening was right
3 about one thing. The defendant is a hard worker. He worked
4 long shifts. During the preceding two months his average,
5 excluding commute time, was seven hours and 39 minutes. His
6 average shift end time was 2:48 in the morning. But not on
7 February 24th. On that day he works well under three hours.
8 He's done at 10:32 p.m. And ladies and gentlemen, that is a
9 big deviation from his normal behavior, and that is really
10 important.

11 Just one more thing on the TLC records. On
12 cross-examination the defendant's attorney, when he was
13 cross-examining Agent Lee, tried to suggest that Sunday nights
14 were the night that the defendant always worked shorter
15 shifts. That was the usual routine.

16 Ladies and gentlemen, take a look at the underlying
17 records. Take a look at Government's 602. On page 33 of
18 Government Exhibit 602, you can look at the defendant's shift
19 on that preceding Sunday, February 17th. You'll see that on
20 that night, that Sunday night the defendant started his shift
21 at 7:41 p.m., and he worked until 4:02 a.m. Monday morning.
22 That is more -- longer than his average
23 seven-hour-and-39-minute shift. The defendant doesn't always
24 work shorter shifts on Sunday. That's just not supported by
25 the evidence.

1 What the evidence does show is that on the night
2 that Asghar and Madeeha were killed in Pakistan, ten hours
3 ahead, the defendant worked the shortest shift that he had
4 worked since he'd come home from Pakistan on November 27,
5 2012, by a significant margin.

6 Now, Government Exhibit 722 shows that once the
7 defendant stopped driving his cab at two -- on February 24th,
8 after that last fare that ended in Brooklyn at 10:32 p.m.,
9 Brooklyn time, he's on the phone nonstop, from 10:09 p.m. to
10 12:50 p.m. the next day. Fourteen hours of calls. Calls with
11 the people Seemab and Rukhsana saw holding guns and
12 desecrating the bodies of Asghar and Madeeha on that street in
13 Chiryawala.

14 The defendant speaks to Javed. He receives a call
15 from a phone used by Nisar and Babar. He speaks to Sain
16 Ashfaq. Now, as you can also see, the defendant had numerous
17 conversations during this period, as he did on January 25th
18 and 26th, with the phone we called the AK phone.

19 Who is this person? Well, we know it's a Pakistan
20 phone number, and we know it's saved in the defendant's cell
21 phone as AK. And the defendant's cell phone and the
22 corresponding Cell Bright report are in evidence as Government
23 Exhibit 330 and 331. And we know that it has significant
24 context with the defendant's cellular phone, both around the
25 time of the January 26th ambush and around the time of the

1 February 25th murders.

2 I submit, ladies and gentlemen, AK is another
3 conspirator, another member of this conspiracy. Someone in
4 Pakistan working to facilitate the defendant's goal of killing
5 Shujat and Shujat's family.

6 Now, one other important thing about this phone
7 analysis. There's this call at 11:43 a.m. This is on page
8 four of Government Exhibit 722, and it's 14 minutes long. And
9 it's from this number, it says 3454.

10 Well, who is that? It's Amina, of course, calling
11 with the agents, making that final consensual recorded call on
12 February 25th; that's in evidence as Government Exhibit 106.

13 And remember what the defendant tells Amina, when
14 he's claiming that he had nothing to do with Asghar and
15 Madeeha's murder. This is Government Exhibit 106-F4.

16 *Amina says, to Pakistan, father, you have already*
17 *killing people in Pakistan.*

18 And the defendant says, *Oh, I did not kill. We did*
19 *not kill. You should just come back home.*

20 **Amina:** *Then who killed them?*

21 **Defendant:** *How do I know. I was sleeping. How do*
22 *I know? I was sleeping.*

23 Ladies and gentlemen, look at Government Exhibit
24 722. That is a complete lie; a complete lie. The defendant
25 wasn't sleeping. He's been on the phone all morning. He's

1 been on the phone since the previous night. He's been at
2 meetings with his family members on the third floor. He's
3 been talking to the people in Pakistan. Why is he lying to
4 Amina about this? Why would an innocent man choose to lie to
5 his daughter about this fact? Because he's not innocent,
6 ladies and gentlemen. He's guilty. He's guilty of conspiring
7 with others to kill Shujat and Madeeha and Asghar. He did it
8 because he was humiliated. He was furious at Amina. He was
9 determined and he was lethal.

10 Now, as Judge Kuntz will instruct you, merely
11 agreeing with others to murder isn't enough to be guilty of
12 conspiring to commit murder, under this statute. The
13 defendant must prove that the defendant committed some overt
14 act in furtherance of the conspiracy. And here the government
15 has alleged ten overt acts. You need only find that we've
16 proved one beyond a reasonable doubt. And it doesn't even
17 have to be one of the acts that we've alleged. You just have
18 to find that the defendant did something to further this
19 conspiracy. Here are the ten overt acts that we've alleged.

20 Now I'm going to talk to you about them in
21 categories. They are overt acts arising from the calls with
22 Javed and Nisar and Babar and Akmal and Mazhar. And those are
23 pretty self-explanatory. Those were calls where the means by
24 which the defendant was keeping track of and directing the
25 progress and planning the murder conspiracy that he was a part

1 of.

2 After all, as the defendant himself made clear in
3 his statements to Asghar and during his calls with Amina --
4 Amina was his daughter. Her actions had caused him
5 embarrassment. It was his choice, he said, during the
6 February 21st call, to carry out the violence against Shujat's
7 family.

8 The money transferred to Akmal on February 5th,
9 that's here, the fourth overt act. That's also pretty
10 straightforward. You remember the Western Union records,
11 which are in evidence as Government Exhibit 1000. The
12 defendant sent Akmal \$900 in Karachi on that day. And
13 Karachi, as you can see from Government Exhibit 30-A, it's
14 quite far away from Gujrat and Chiryawala.

15 There has been plenty of testimony about how the
16 Choudhries owned land, had wealth and had property in
17 Chiryawala. But at that time on that date for some reason
18 Akmal was far from home. He needed money and the defendant
19 sent him money. I submit, that that payment was the defendant
20 funding Akmal's search for Shujat.

21 Finally, ladies and gentlemen, we've charged the
22 consensually recorded calls with Amina as acts in furtherance
23 of this conspiracy. How are they overt acts? Because the
24 defendant had an agenda during each of those calls. He did
25 not just want to get Amina home -- although that was certainly

Summation / Tucker

1422

1 one of his goals. He wanted to kill Shujat. So any chance he
2 got, the defendant tried to get some information about
3 Shujat's whereabouts, because maybe Amina and Shujat are
4 together.

5 "Where are you?" The defendant asks on that
6 February 15th call. "Are you staying with someone or are you
7 at an organization? What time do you have?" The defendant
8 asks, one time. "Are you staying in a shelter?"

9 And on that February 25th call, the defendant is not
10 being subtle any more, he gets very direct. "Is Shujat coming
11 today? Is he coming today?" He wants to know is Shujat
12 coming to the funeral. You see, the defendant wants to know
13 where his target is, and he's milking Amina for any
14 information he can get. And in just the same way the
15 defendant knows that the things he's saying to Amina, the
16 threats he's making during those six consensually recorded
17 calls, they are going to get back to Shujat and Shujat's
18 family. They are going to put Asghar and Rukhsana and the
19 rest of the Asghar family in fear for their lives. And that
20 fear will drive him to make decisions. Decisions like
21 agreeing to drive from Barnala to meet with Javed and Akmal.
22 Decisions -- like Asghar's decision to meet at the house of
23 Irfan Uddin on the day of the murder. Irfan Uddin, Javed,
24 people that the Choudhries control. These are decisions that
25 put Asghar and his family in locations where the Choudhries

Summation / Tucker

1423

1 would be in a position to exact their deadly revenge.

2 Ladies and gentlemen, as I said, you can find any
3 one of these overt acts proved, and that's sufficient.

4 Indeed, if you find that the defendant did anything to further
5 the conspiracy, that will satisfy this element that the
6 government proved an overt act. I submit that the most
7 compelling element that the defendant took action in
8 furtherance of this murder conspiracy, is the one based on
9 common sense.

10 Amina is his daughter. Her actions dishonored him.
11 It was his problem. It was his conspiracy to direct. You
12 should find the defendant guilty of Count 1.

13 That concludes my summary of the evidence relating
14 specifically to Count 1, and you will be relieved to know that
15 my summation with respect to the other two charges is
16 significantly shorter.

17 The next count relates to the fraud and the I-130
18 petition for alien relative. Now, just a quick word on this.
19 The defendant, the witnesses, even the lawyers from time to
20 time during the trial have referred to visa or visa fraud.
21 And that's just verbal shorthand.

22 As you heard from the officer from USCIS,
23 Elana Morrell, the relevant document here is not a visa
24 application. It was an I-130 petition for alien relative, and
25 it is in evidence as Government Exhibit 501. But as you also

1 heard, the I-130 is the first step by which people can get
2 visa's and from Visas is green cards and from green cards
3 citizenship.

4 Now, the fraud here is straightforward. Amina did
5 not sign this document. She did not sign Government Exhibit
6 501. It was dated December 1, 2012 and Amina was in Pakistan.
7 And she's testified, as many witnesses have testified and as
8 the boarder crossing records show.

9 Officer Morel made clear that having someone else
10 sign an I-130 isn't permissible, even if you're okay with
11 doing it. Because the actual petitioner needs to sign this
12 document in order to confirm and attest that the information
13 it contains is accurate.

14 Now, Amina's told you she didn't sign this document.
15 I submit that you know exactly who did sign. The signature is
16 pretty distinctive. It's Nasreen. You have several samples,
17 Nasreen's signature, Government Exhibit 503, her
18 naturalization document; Government Exhibit 405, that grand
19 jury subpoena, she endorsed in the corner; and Government
20 Exhibit 504, her U.S. passport application.

21 I encourage you to look at these documents and look
22 at Government Exhibit 501. The J, I submit, is tell tell.
23 Now, of course Nasreen denied signing this document when she
24 testified before you. She said her father told her that he
25 had signed it. In any event, the defendant has also admitted

Summation / Tucker

1425

1 to fraudulently submitting the I-130. He's admitted to it
2 multiple times. He's talked about it in the consensual
3 recordings. And even in that interview, after he was arrested
4 with Agent Maguire. And under the law, as Judge Kuntz will
5 explain it to you, the defendant is guilty. Whether he is the
6 person who actually puts pen and paper -- as Nasreen now
7 claims -- or whether he directed Nasreen to do it. That's
8 aiding and abetting, as Judge Kuntz will instruct you.

9 Ladies and gentlemen, I submit there can be no
10 serious debate on this charge. This isn't an issue of
11 marriage fraud or whether the marriages were real or anything
12 like that. That's not what this count is about. It's very
13 simple: Did Amina sign Government Exhibit 501.

14 MR. SOSINSKY: Objection.

15 THE COURT: Overruled. It's just argument. And he
16 said he's going to be brief and he mentioned the word relief,
17 which we're going to have as soon as he finishes his argument.
18 We'll take a ten-minute comfort break and then we'll hear from
19 defense counsel and rebuttal and then I will give you the jury
20 charge. I know he's going to be brief. I just know it.

21 MR. TUCKER: I'll move onto the last count. The
22 last count is communicating threats and interstate commerce.
23 The government's proof that the defendant made these threats
24 is the consensual recordings that we talked about between the
25 defendant and Amina transcribed and translated as Government

1 Exhibits 101 through 106.

2 Ladies and gentlemen, these threats to murder Shujat
3 and his family are true threats. The defendant took them
4 seriously when he made them. Amina took them seriously too.
5 She admitted that she was afraid for Shujat after she had
6 these conversations with the defendant. During these calls
7 with Amina, the defendant frequently mentioned times in the
8 past when he used violence to defend His Honor. Like the time
9 the defendant referred to his prior dispute with the Uddin
10 people. Remember, he told Amina: I've been humiliated before
11 here and I don't want it to happen again. The last time I had
12 a fight with the Uddin people, because they taunted me, that I
13 can't find my daughter first before I talk to them. You know
14 about that fight with the Uddin. Right?

15 I'm not going leave them like this. I had fired his
16 gun at him three times, and he did not stop. Whenever I get a
17 chance I will kill them.

18 Amina understood what the defendant meant. And you
19 understood. And remember, these threats all happened after
20 the January 26th ambush. After Akmal and his men fired upon
21 Rukhsana and Asghar in their jeep. Everybody knew and
22 understood what the defendant was capable of and that was
23 confirmed by murders on February 25th.

24 Now, the government must also prove that these
25 threats traveled in interstate commerce. That was the reason

Summation / Tucker

1427

1 I asked Agent Heck all those questions about sector and calls
2 being patched through Orlando. That's how you know the calls
3 crossed state lines.

4 And as Judge Kuntz will instruct you, it's not
5 necessary to -- for the government to prove that the defendant
6 intended to cross state lines or even that he knew it was
7 happening. It's enough to prove that they did cross state
8 lines. And here you heard, that for that call on
9 February 15th, that first call on February 25th, those calls
10 were initiated by a sector in Florida and transmitted to the
11 defendant in New York.

12 And during that February 20th call, that's when the
13 defendant told Amina. Nothing is going to stop. I'm going to
14 kill the whole family. I will kill myself and also make sure
15 I will kill all of them.

16 Now, even though all the recordings contain threats
17 explicit or implicit. Only the conversation in Government's
18 Exhibit 101 and 102 crossed state lines. However, I submit to
19 you that those other conversations, the ones that follow 103
20 through 106, are very important for your deliberations;
21 because they provide the broader context that's necessary to
22 see the threats in Government's 101 and 102, as what they
23 really were -- true threats.

24 The final element the government must prove here, is
25 that the threats were transmitted by defendant knowingly and

Summation / Tucker

1428

1 intentionally. Meaning, that it wasn't an accident. Ladies
2 and gentlemen, these transcripts make clear that the
3 defendant's words were no casual slip of the tongue. They
4 were calculated. He knew exactly what he was doing when he
5 said it. You should find him guilty of Count 3.

6 Now, that's my summary of the government's evidence
7 in this case. And I submit that the evidence supports
8 verdicts of guilty on each and every one of the three counts.
9 But before I conclude, I would like to briefly address the
10 defense witnesses that you heard from yesterday.

11 Now, as Judge Kuntz explained before and I expect he
12 will explain again, the burden of proof rests solely with the
13 government. We have to prove the case beyond a reasonable
14 doubt. That is a burden that we embrace. The defendant had
15 no obligation to do anything. He had no obligation to call
16 witnesses or to present evidence. But he did present
17 evidence. He did call witnesses. And since he did, you must
18 consider this evidence and these witnesses with the same
19 careful scrutiny that you've applied to the government's
20 witnesses in this case.

21 Now, the evidence, as you recall, presented by the
22 defendant was that read back, the testimony from Nazia Khanum
23 and the testimony from Nasir Ahmed and Waqas Ali, you heard
24 yesterday. I suspect that the defendant's lawyer may argue
25 that these witnesses cast doubt that Rukhsana and Seemab and

1 Nayab were where they said they were when these horrible
2 events happened on February 25th.

3 That you should believe Nazia Khanum, that two
4 unknown men committed these murders. And that Seemab was
5 still at school when all this happened, according to the
6 stories of Waqas Ali and Nasir Ahmed.

7 Ladies and gentlemen, I ask you to take defense
8 argument to its ultimately conclusion, which is Rukhsana and
9 Seemab and Nayab are at best, horribly confused or at worst
10 lying through their teeth entirely.

11 It would mean that when Seemab described the terror
12 that she felt as she and her mother ran away from Akmal and
13 his men, that was just a story, just a lie. It would mean
14 that they made up the fact that Seemab stumbled as Akmal and
15 the men cased her. It would mean that Rukhsana fabricated
16 those details about how she and Seemab became separated. A
17 mother so terrified that she left her daughter behind to hide
18 because she couldn't think of anything else to do. Pure
19 survival instinct. Pure flight. It would mean that when
20 Seemab told you about how she watched Akmal reloading his
21 automatic rifle so he could gun her down, just the way he
22 gunned down Asghar and Madeeha. She was just making that up.

23 Ladies and gentlemen, you must ask yourselves, do
24 you really believe that? You saw Seemab and Nayab and
25 Rukhsana. You saw their emotion. Do you think that was all

Summation / Tucker

1430

1 for show? Or do you think that the defense witnesses, who I
2 submit all had serious problems with their memory and all had
3 obvious motives to lie, to Choudhry's money, their political
4 influence. Their ability to cause violence. Isn't that the
5 testimony that you should be disregarding? I submit that you
6 should. It was not credible. It was not reliable. It was
7 not true. The government's evidence is credible. You should
8 credit the government's evidence and you should base your
9 verdict of guilty on that evidence.

10 One last point about the defense case. You heard a
11 little bit yesterday and I suspect you'll hear more about this
12 exhibit, Defense Exhibit D.

13 Now, to start with, we don't know anything about
14 Defense Exhibit D, how it -- where it came from. There was in
15 police witness who came in and authenticated this document.
16 It wasn't Mr. Ali, as you will see, he's not the person who
17 wrote this.

18 Now, I'm not sure exactly what defense counsel is
19 going to argue about this document. I suspect he's going say
20 that somehow it casts some doubt on where exactly Rukhsana and
21 Seemab were at the time of the murder.

22 Ladies and gentlemen, trust in what you saw. Trust
23 in the witnesses that you heard from. This document doesn't
24 raise doubt with respect to the government's witnesses. Trust
25 in the testimony that you heard, the live testimony. What

Summation / Tucker

1431

1 this document does, is you'll see make clear that Seemab and
2 Rukhsana were present for these horrible events. But it
3 doesn't tell you a lot more, I submit. And that is the danger
4 with unauthenticated documents.

5 MR. SOSINSKY: Objection, your Honor.

6 THE COURT: Overruled. It's just argument.

7 MR. TUCKER: Ladies and gentlemen, this is just my
8 argument. As the court's instructed you before, you got to
9 base your verdict on the evidence. But I submit, this is not
10 evidence that can you rely upon.

11 Ladies and gentlemen, that concludes my summary of
12 the evidence in this case. And as I'm sure you will remember,
13 when Ms. Gandy stood up before you last week. She told you
14 that the government would prove its case beyond a reasonable
15 doubt. That the defendant was guilty of the crimes charged.
16 And I submit, that's exactly what we've done.

17 Next, the defendants lawyer will have his chance to
18 make his arguments to you and then Ms. Hector will give the
19 government's rebuttal. And then after Judge Kuntz instruct
20 you on the law, the case will be yours to decide. You'll be
21 called to use your common sense to reach a just verdict. And
22 you will remember, as you begin your deliberations, that you
23 have taken an oath to follow and uphold the law, even if it's
24 unpleasant or it's difficult.

25 From his taxicab in New York City, the defendant

1 called shots in Pakistan. He promised violence and he
2 delivered death. He did so because he believed that His Honor
3 was more important than the lives of Asghar and Madeeha.

4 Ladies and gentlemen, the events about which you've
5 heard testimony during the past week and a half are tragic.
6 Absolutely tragic. Amina made a terrible miscalculation, a
7 fatal underestimation of what being with Shujat might cost
8 both her family and Shujat's family. She felt that she was
9 entitled to choose where she would live, where she would go to
10 school, and whom she would marry. She was, to use the
11 defendant's own words: Too Americanized for her family.

12 But you know that Amina's actions, these boldly
13 personal decisions for herself could never, never justify what
14 the defendant did. They could never justify, not for a
15 moment, the bloodshed, the suffering that he caused to the
16 Asghar family, to Rukhsana and Seemab and Nayab. Three women
17 who have quite literally lost everything because of this
18 defendant. Seemab and Nayab have lost their father, a man
19 they obviously love and respected; they've lost their sister.
20 Rukhsana has lost her husband, her daughter.

21 And now they find themselves in this strange
22 country, a place where they never wanted to live, starting
23 over from worst in square one. It's a tragic business. And
24 the one solace that they may find here, is unlike in Pakistan,
25 where, as the defendant himself said on those consensually

Summation / Tucker

1433

1 recorded calls, people can be bribed and judgments can be
2 brought. This is the United States. Here, murder is not
3 tolerated. Here, a jury decides. Here, there is law and
4 there is justice.

5 You should find the defendant guilty. Thank you.

6 THE COURT: Ladies and gentlemen, we will now take
7 our 15-minute comfort break. Please do not talk about the
8 case. You will then hear from defense counsel, there will be
9 rebuttal, you may get jury instructions and you will begin
10 your jury deliberations over lunch which has been ordered for
11 you and will be in the jury room for you when we give you the
12 case. So 15 minutes we will be back after the comfort break.
13 Again, do not talk about the case. Thank you.

14 (Jury exits courtroom at 12:53 p.m.)

15 THE COURT: All right, the jury has left the
16 courtroom. Do we have any procedural motions at this point?

17 MR. TUCKER: Not from the government, your Honor.

18 MR. SOSINSKY: No, sir.

19 THE COURT: All right, 15-minute comfort break and
20 then we will have defense summations and prosecution rebuttal.

21 (Recess.)

22 (Continued on the next page.)

23

24

25

Proceedings

1434

1 (In open court.)

2 COURTROOM DEPUTY: Judge Kuntz is now presiding.

3 (Defendant enters.)

4 THE COURT: All right. We have counsel and we have
5 the defendant present.

6 Do we have any procedural issues before we bring the
7 jury in?

8 MR. SOSINSKY: No, sir.

9 MS. HECTOR: No, your Honor.

10 THE COURT: All right. Would you bring the jury in,
11 please, Mr. Jackson.

12 (Pause.)

13 THE COURT: Do you have everything you need up
14 there, Mr. Sosinsky, water, Elmos, uppers, whatever you need?

15 MR. SOSINSKY: I think so.

16 (Pause.)

17 THE COURT: I don't know whose device that was that
18 just pinged, but turn it off.

19 (Pause.)

20 (Jury enters the courtroom.)

21 THE COURT: Thank you, ladies and gentlemen of the
22 jury. Please be seated. We're now going to have summation
23 from defense counsel, Mr. Sosinsky.

24 Again, this is argument. That will be followed by a
25 brief rebuttal by the prosecution, and then you will get jury

1 instructions from me and then you will begin your
2 deliberations over lunch, which is being delivered even as we
3 speak. Mr. Jackson is picking it up from downstairs.

4 Okay. You're on, sir.

5 MR. SOSINSKY: Thank you.

6 THE COURT: You're welcome.

7 SUMMATION BY

8 MR. SOSINSKY:

9 MR. SOSINSKY: Good afternoon, ladies and gentlemen.

10 About two weeks ago on the Sunday before we
11 convened, there was this World Cup soccer game going on, the
12 subject that's on a lot of people's minds lately, what with
13 the loss of the soccer team that took place while we were here
14 in court doing serious business. But in that game, which was
15 a very exciting game, the United States led until there were
16 literally seconds left in that match. Many of you, I'm sure,
17 either watched it live or certainly read about it. It was an
18 incredible finish. In fact, we learned right after that that
19 in the history of the World Cup, that was the latest goal that
20 was ever scored, it was with seconds left and it changed the
21 entire outcome of the game, and for anybody who left a viewing
22 party, a party at a friend's house, the comfort of your living
23 room, if anyone left before those last seconds of the game
24 took place, you would have missed an incredible event that
25 changed the outcome.

1 I was thinking before I stood up today about how to
2 impress upon you the importance of certain things that take
3 place late in the game, but that I hope, especially in light
4 of what I was trying my best to make clear to you throughout
5 the course of the trial, that you could relate to this. So
6 let me get right to it.

7 Mr. Tucker, the prosecutor, who eloquently summed up
8 to you this morning, told you that he really didn't know what
9 I, the defense attorney in this case, was going to make of an
10 exhibit that the Court told you yesterday was in evidence,
11 it's called Defendant's Exhibit D, because according to the
12 Government, what it does is it shows, if nothing else, that
13 Rukhsana Kousar and her daughter Seemab were witnesses, saw
14 these killings that took place on February 25th, 2013. Again,
15 although I as a lawyer may have failed to drive home certain
16 points to you, no matter how hard I tried to you during the
17 course of this trial, I know one thing, I know that you all
18 will remember that I pressed certain witnesses on times, on
19 sometimes, not on every time that was out there in the case,
20 but on times that were relevant to the question in this murder
21 or conspiracy to commit murder case. And like any murder case
22 in the history of trials where people like you come in from
23 the community and have to decide in a murder case what to
24 believe and what not to believe, your role here is no
25 different than any jury who sat where you are in this

1 courthouse, across the street in state court. You listen to
2 evidence, you pay careful attention to it, and hopefully
3 certain things are important to you in making determinations.

4 The fact that these murders, these shootings took
5 place in Pakistan, I hope, I pray, doesn't mean that you will
6 utilize a different manner of evaluating absolutely critical
7 points like time, like where witnesses claim to have been when
8 they made observations. And I say this to you because I am
9 really, really concerned somehow, because we're talking about
10 Pakistan and not Park Slope, we're talking about a distant
11 place the prosecutor tells you 6,000 miles away, that somehow,
12 somehow when we get down to it and I show you where people
13 claim to have been in the past a year-and-a-half ago versus
14 what they swore before you here with all the sympathy and the
15 understandable emotion there, and I'm not downplaying any of
16 that - I have my own children, I have my own family - no one,
17 no one certainly not on my side, is claiming that this is not
18 heart wrenching for everybody, okay, but it doesn't change the
19 rules of engagement. Being in Pakistan doesn't mean you
20 should be making excuses in this murder case on these issues.

21 I hope you all recall that the witnesses, in fact
22 they were asked by the prosecutors, where they were and where
23 they were coming from. I'm talking about Rukhsana Kousar and
24 Seemab Kousar, where they were when they made these
25 observations, and it was crystal clear, putting before you

1 what's in evidence as 42A and B.

2 (The above-referred to exhibit was published.)

3 MR. SOSINSKY: Crystal clear that they both
4 described having seen what they claim to have seen in the spot
5 that I asked, respectfully, of the witness to mark as
6 "standing." "Standing," right here, right around this corner
7 that we heard much about and where we learned Government
8 Exhibit 806 was taken. As one turns the corner, this is what
9 one sees.

10 (The above-referred to exhibit was published.)

11 MR. SOSINSKY: And so not a lawyer's trick. Their
12 witnesses simply asked where were you when you tell this jury
13 you made these observations? And where it's marked
14 "standing," that is as one approaches but has not yet
15 completely turned the corner is what was identified, and the
16 testimony will support that, as where they were standing when
17 they made the observations. And in fact, the testimony, as it
18 were, describes the witnesses being some area a little bit
19 further back here (indicating), and they were each asked to
20 describe what they saw there.

21 Now harkening to that last minute or few minutes of
22 that World Cup soccer game, I put before you Defendant's
23 Exhibit D.

24 (The above-referred to exhibit was published.)

25 MR. SOSINSKY: Forgive me, I'm not very good at

1 this.

2 (Pause for counsel to adjust the document.)

3 MR. SOSINSKY: You can see, folks, that the corner
4 there's all this cluster over here (indicating), okay, but the
5 corner that you were just looking at is right here
6 (indicating). Rather than use my finger, I'll use this pen,
7 but that's the corner that appears on the handwritten map that
8 in a year-and-a-half the Government in meeting with their
9 witnesses here in the United States came up with to sort of
10 give you a good indication of where people were. And this
11 document, a police document, as it says in the top of it, from
12 back in February 2013, right where the letter F, as in Fred,
13 appears shows what?

14 We'll turn to the second page. It reads: "Spot F:
15 This is the spot from where complainant Rukhsana Kousar and
16 witness Seemab Asghar saw the incident."

17 Can you all see that?

18 So to be clear, and I beg you to take this into the
19 jury room with you, please, when you begin your deliberations
20 to try to figure out, at least in part, what was going on
21 here, this document at F, according to the legend on the same
22 document, completed it appears that day, February 25th, 2013,
23 places both of those witnesses not around the corner from
24 this, but down a straightaway street making observations
25 looking down towards the end of the block before there is any

Summation / Sosinsky

1440

1 corner. And to give you, unfortunately, the best perspective
2 we have based on the evidence that's been introduced to you,
3 that would be being somewhere down here (indicating) on the
4 straightaway before wherever's looking at the corner, okay,
5 down here. This is Government Exhibit 806. Please compare
6 this and compare Defendant's Exhibit D and, most importantly,
7 Government Exhibit 42A and B and where it says now before you
8 that they're standing. Because on the diagram that was taken
9 that day that I just showed you with the F, that day it was
10 reporting that they were down here (indicating), Seemab and
11 Rukhsana Kousar. And I am not, I promise you, I'm not being
12 disrespectful to anyone's death. I'm a lawyer. I'm an
13 advocate the same way the Government attorneys are advocates.
14 They're making arguments that they hope you will adopt. I'm
15 not telling you that there was no loss of life. That's not
16 what I'm saying, but you are jurors who have to decide a case
17 without passion, right, without prejudice, without sympathy
18 for anyone. No sympathy for my client, none, but no sympathy
19 for anyone.

20 And why do I say that? Because when we get
21 involved with sympathy, when we get involved with feeling bad,
22 when we get involved with appeals to emotion and why would
23 they and how could they, as opposed to evaluating the evidence
24 that's before you, there is a real risk, a palpable risk, a
25 risk that certainly from where I'm sitting that you will feel

1 that you will start to make excuses for these significant
2 differences in where people claim to have been before we turn
3 to the issue of time, which I mentioned a few minutes ago.

4 These are no small matters when you evaluate whether
5 people were in the position to see what they claim to have
6 seen in this murder case, in this conspiracy to commit murder
7 case, because if there is a real question, and I hope as a
8 result of the information contained in that exhibit created
9 maybe that day, it looks like that, and where it says Rukhsana
10 Kousar and Seemab Asghar were and it's nowhere near where they
11 now tell you. Although in the case of Rukhsana Kousar,
12 please, if you recall the testimony, she wasn't being too
13 friendly with me in terms of being helpful: Where do you say
14 that you were? She was having great difficulty on
15 cross-examination answering those questions. But in any
16 event, they are in a completely different spot than the report
17 indicates.

18 Now, the prosecutor at the end of his summation
19 arguing, as he can and as he must, that you should give no
20 credence whatsoever to the defense witnesses, one of whom we
21 took her testimony from Pakistan, it was introduced to you
22 under a rule of criminal procedure, the judge told you, that
23 directs that you consider her testimony as you would any other
24 witness here at trial. It's before you. And then these two
25 other witnesses, and it obvious was a difficult moment for me

1 putting on this Manzoor Ahmed who is functionally illiterate
2 and has trouble spelling, but I hope maybe one of you by the
3 time you left and maybe thought about what he was asked about
4 and what he wasn't asked about and what they think they were
5 able to establish through their questioning and what they left
6 alone, I hope someone perhaps caught on to this fact, or
7 facts: the man drives a private school bus or van for a
8 living, not much of a living probably, but a living, and you
9 can be functionally illiterate and do that. You can give out
10 your card to the parents of students and children who use that
11 van every day that has a cellphone listed so that they can
12 call you if there's any reason to be contacted. He drives
13 that van. He picks up children, students from young to what
14 they call college age, which here we would call high school
15 age, and he takes them from that village to a nearby village
16 and he does it six days a week. In the morning he takes them
17 and in the afternoon he starts picking them up and bringing
18 them back to town. He knows the students, the children who he
19 drives. He lives in the village, and if you believe anything
20 on their side, you know everybody knows everybody's business
21 for some reason in this village, right. You heard everything
22 about that throughout the course of this trial: We heard this
23 and we learned from this and the people were saying this and
24 we couldn't go here. He lives there. He drives that van.
25 You recall that there was much ado made about this private

1 issue versus public bus, and the Government made it an issue.
2 I stood up midway through the trial and I asked one of the
3 case agents when you were getting into this question of
4 describing the bus, the van that she came on, it was described
5 to you as a private van and that the stop for that private bus
6 or van was located nearby a public bus stop. Those were not
7 my words, those were the words that were described in the
8 past. Why is this important? Because all of a sudden, when
9 the trial begins and the Government well knows that the
10 defense will call the driver of that private bus or van, now
11 it was a regular old public bus with some guy collecting
12 fares, walking up and down the aisles collecting fares from
13 people, but that's not what it was at all, and the Government
14 never, ever suggested in any question or otherwise that this
15 man doesn't drive a bus, doesn't take kids to the five, six
16 schools that he told you about, and most importantly, most
17 importantly, that he was not transporting that girl back and
18 forth to school.

19 They didn't challenge him on that. He did and he
20 told you he picked her up and it makes absolutely perfect
21 sense that the police would be involved in making sure that
22 the other children are secured. It's funny, on one hand, the
23 Government agrees with respect to the other daughter that that
24 went on, right, that the police are going on a motorcycle to
25 her school to pick her pick up. Why? Why didn't they just

1 let her come home in the regular course, right? No, 'cause
2 there's concern about this. So the Government accepts that,
3 but doesn't accept the concern that the police would have been
4 concerned as well about the other daughter and had her met at
5 that bus stop by police officers.

6 And despite all of the other failings of this
7 illiterate man, and believe me, I wish he was the Pope, I wish
8 he was the greatest witness in the world, you know,
9 credentialed and otherwise, the man is a private bus driver in
10 a small village in Pakistan who flew here last week. Yes, we
11 confess, had his ticket paid for by their family. What other
12 way could this happen? The Government has been paying for
13 all of these other people. You heard about money over the
14 course of time, and I'm not being critical or castigating, but
15 this is defense. This is a defense. They have to be brought
16 over here to present to you, and now there are questions
17 asked. By the way, the judge will tell you what a lawyer asks
18 a witness is not evidence, right. It's the answer the witness
19 gives that governs.

20 So all of this insinuation that the reason everyone
21 is doing this is because the Choudhry family, the man who
22 lives in the basement of his home, sleeps there, you heard,
23 with eight other adults, kids, all of this is happening
24 because they are rich and powerful. I'll touch on that in a
25 minute. Doesn't explain, doesn't explain why this bus driver

1 says on that day, as he did other days, he picked up the girl
2 and drove her back to town. Received a phone call from the
3 police telling him do not let anyone come to that bus.
4 They're worried. They're worried family may be attacked.

5 I don't think there's any challenge to the fact that
6 that's the police officer who went and got the other daughter.
7 He wasn't challenged on that in the least. They say the other
8 daughter was met by police officers at the school, right. So
9 we bring the police officer who actually did that and now all
10 of a sudden, he can't be believed because we flew him over
11 here. He is, what, after the trial ends there's somebody out
12 in the hallway giving him cash or something?

13 Folks, you know the other daughter was picked up at
14 school by a police officer. He tells you that his SHO sent
15 him to meet the bus with Seemab Asghar on that bus. Is that
16 outrageous? Is that an outrageous suggestion? It becomes
17 outrageous only, only because it requires you for a moment to
18 consider the possibility, the possibility before you saw
19 Defendant's Exhibit D that maybe much of what you heard, much
20 of what was presented to you during the course of the trial
21 was not truthful.

22 Is the police officer making up the fact that he
23 went out there and met that bus? And by the way, if he's
24 making up that fact, if he's making up that testimony, if that
25 is just conjured up, right, then why, knowing that, is he also

1 testifying that some time thereafter he and his colleagues are
2 running around looking for people who Rukhsana Kousar is
3 telling the police these guys did it. That part, oh, that's
4 true. The Government says that's true. You heard Mr. Tucker
5 earlier today talk a little bit about that: They were nowhere
6 to be found, they're in hiding. Well, this is one of the
7 police officers who participated in looking for people at that
8 point in time, looking for men. So again they want to have it
9 both ways. They want you to accept the fact that he was
10 there, he picked up the one daughter, he was part of a team
11 that was doing those things, but God, no, he wasn't a person
12 who met that bus driver and took the other daughter off of the
13 bus.

14 Now, timing. If this case concerned, among other
15 things, a shooting that had taken place in Brooklyn or on
16 Hempstead Turnpike or in Suffolk County and you knew from the
17 evidence that those murders took place at 2:30 in the
18 afternoon and then witnesses who claimed to be eyewitnesses to
19 it came into court and through, I hope, polite questioning,
20 but important questioning, you were able to see that just
21 using their own numbers, their own testimony that they would
22 have to have been at a different location than they claimed to
23 have been at that moment, I know it would cause you or any
24 reasonable jury to look with skepticism upon what they're
25 saying, and this gets back to that issue that I raised earlier

1 which is the fact that events that take place in Pakistan
2 should not, I beg you, change your role, your duty to
3 carefully scrutinize, to look closely at these issues.

4 So that if you knew a shooting, a murder took place
5 here in Brooklyn and, based on the other evidence in the case,
6 the witnesses would have to have been home at that time and
7 yet they claim to have been witnesses, before you get to the
8 fact that they put themselves in two completely different
9 places according to the handwritten drawing that took place in
10 court versus Defendant's Exhibit D, it would matter. It has
11 to matter. It has to matter.

12 So when the witness, the first time, the first time
13 was asked not by me, but by one of the prosecutors
14 approximately how long does it take you to walk from that bus
15 back to your house and says, again not by me, it's in the
16 transcript, I believe it's page 140, it takes 20 to 25
17 minutes, and when the witness was asked: Did you speak to
18 your mother that day about what time to meet you at the bus?
19 And the witness answers yes, again when the prosecutor's
20 asking questions before I even stand up, and the witness says
21 yes. What did you say? I said: Mom, make sure you're there
22 at 1:30. You can have it read back, it's there, it's in the
23 transcript when they're asking questions, just a few lines
24 after it takes 20, 25 minutes to get home, and then the
25 witness is asked: And did your mom meet you at the appointed

1 hour, the appointed time? And the witness says: Maybe then,
2 maybe five minutes later. This is evidence in the case. This
3 is important evidence. This is not evidence that's to be
4 disregarded. And then if you do math, if you follow along
5 with their estimations of time, and I politely, but
6 importantly, my role, gave the witnesses every benefit I
7 could, I took then instead of 20 to 25 minutes, because the
8 next time the prosecutor asked about this it was so it took a
9 half-hour. It goes from 20 to 25, the very next question
10 later 10, 15 minutes later, so it took you about a half-hour.
11 The Government understands that this is a real issue, but even
12 affording all of that, it places both witnesses home at 2:00,
13 2:05, 2:10. And it's not like they -- it's not like either
14 one of them offered you "well, on the way, you know, we
15 stopped off and went to this guy's house or that guy's house,"
16 right, "we went off on some tangent." It wasn't that at all.
17 It was 20 to 25 minutes and then it was a half-hour.

18 The point is, again thinking about it if we were
19 dealing with a case that took place outside here or in
20 Bushwick, if you know what time the shooting is and you know
21 what time based on their witnesses' accounts this take place,
22 the answer cannot be, where the defendant is presumed
23 innocent, "ah, that doesn't matter, it doesn't matter." It
24 can't be. It shouldn't be, in good conscious. You can't just
25 cast aside stuff like that. You can't make excuses for the

1 Government's evidence. You have to consider that in
2 evaluating it, and yes, it's true, you need to consider that
3 along with all the other evidence in the case. But again,
4 that doesn't move, there's no change in any of that stuff.
5 It's when asked: I told her to be there, we talked about it,
6 at 1:30. Maybe it came at 1:30, 1:35, and it takes 20, 25,
7 okay, a half-hour. No explanation whatsoever for how we get
8 to 2:30 and no explanation whatsoever other than time is wrong
9 and no one's looking at watches and phones. Well, that stuff
10 would matter if it was here, right? Again, it should matter
11 over there.

12 No explanation for this is the spot where Rukhsana
13 Kousar and Seemab Asghar saw the incident, not around the
14 corner where we had testimony during the course of the trial,
15 was shown photographs and markings and all of that.

16 But, you see, it's the defense witnesses that I hope
17 in combination with that business of getting in at 1:30, it's
18 claimed, and looking at the difference between 42A and B and
19 Defendant's D, Defendant's D that shows where they were on
20 that day they claimed, the defense witnesses explain what's
21 going on. And in a sense, I guess, if you believe much of
22 what the Government argues to you, it does make sense.

23 There's this belief, this ongoing determination that
24 these people are out to get us, right. Nazia Khanum, she
25 testified, and it's trial evidence here for your

1 consideration, that she saw the shooting. She's a school
2 teacher. She comes into town. She sees this motorbike go by
3 with the three people on it. She then sees the shooting. She
4 describes, and the Government had all the opportunity in the
5 world to ask her questions then as they would here in court
6 and as I did, what she saw, and it was not these people who
7 these witnesses claim they walked right up to even though
8 these people had been out for their lives, according to them,
9 for a month or two by that point in time. Nazia Khanum tells
10 you: That's not true. I know who those people are. These
11 two gunmen, these two gunmen were not those people. She
12 describes them to you and then she tells you: Rukhsana
13 Kousar, I know who she is. She's not there. She was not
14 there. The daughter was not there. There was barely anyone
15 on the street. I saw the men leave.

16 And then what? What tells you that her testimony
17 as compared with these two witnesses actually makes more
18 sense, is more believable? What is it? Please don't lose
19 sight of this: Who's driving the motorbike? The man they
20 want you to forget all about, this fellow, this relative of
21 theirs, cousin, Zameer Abbas. According to everybody, he's
22 driving that motorbike. He had been called or asked or
23 questioned to the family home. There's actual blood
24 relations, cousin, the father's daughter is his mother --
25 father's niece, forgive me, is his mother. He's called there

1 after a shooting because he knows how to operate the motorbike
2 and no one in that house drives it. So he's asked to come
3 over there. He runs errands, goes to the grocery store for
4 them, drives the daughter to school, back, apparently takes
5 this man that day on the motorbike to some appointments,
6 including this politician Irfan Uddin. But the two witnesses,
7 the two witnesses when they give the account of what happened
8 when they got to the scene, it's quickly right afterwards,
9 right. I asked them: You ran down, you got there quickly,
10 it's only close by. And neither one of them sees this person
11 who they conceded later, yes, was also shot, was in the
12 hospital. How is that possible? If you're there and the
13 guys who just did this, all seven, eleven of them armed with
14 either, as it's referred to, machine guns or automatic rifles,
15 are standing there, how is it possible if that actually
16 happened - and it didn't - that you don't see the third
17 person, the driver of that motorcycle, your relative, leaving,
18 getting out of there? How is that possible? You think it
19 happened that way? They're there like this (indicating),
20 they're there so quickly that these people are still hovering
21 over bodies, pointing guns, talking so they can hear them,
22 these two witnesses who we find out were down here and not
23 where they claimed (indicating). How is it that they have no
24 idea what happened to Zameer Abbas, the driver of that bike,
25 the bike that went flying into this iron bed or whatever it

1 was thrown into the road? Alone I suggest to you that that
2 tells you that this doesn't make sense.

3 That's before you turn to the part of this that even
4 the prosecutor earlier today had to acknowledge is a little
5 strange, I mean a little bit strange to suggest that hearing
6 gunshots and with that history that both of them, their first
7 inclination is to run right there, and it's worse than that
8 because when I'm asking them questions, it doesn't stop with
9 getting close enough to see. They actually put themselves
10 this close, maybe closer, just using, Madam Juror, you, as an
11 example to where this is taking place. All these men with
12 machine guns after your life you say you saw, no one sees
13 Zameer Abbas and they're running right up to it.

14 Nazia Khanum, on the other hand, who doesn't, we
15 learn, really know Zameer Abbas, she knows him as a relative
16 of her neighbor on the roof, you look out on the rooftop it's
17 across the street, it's Asghar's house. She's seen him.
18 She's seen him driving the family around. She sees, after the
19 two gunmen leave, she sees him get up at some point and she
20 describes him, was asked about his leg or legs were injured,
21 and he goes in the direction of the house at which he was
22 staying, at Rukhsana Kousar's house, and Nazia Khanum of
23 course is in some fear while watching what she did. She
24 testified that she was actually worried that this gunfire
25 could be turned in her direction. She backed up, she told

1 you, and then after the gunmen had moved off and after she saw
2 Zameer Abbas head back to the house, which we know was only a
3 minute or so away, she gets up and eventually leaves, but she
4 saw that.

5 And then what else did she say, which I submit to
6 you helps to explain just a little bit about what's going on
7 here? She says after telling you that Rukhsana Kousar and
8 her daughter Seemab were not there, and you should know that
9 based on the testimony you heard yesterday between the bus
10 driver and the policeman who explained what happened that
11 afternoon and I believe for good reason, she tells you that
12 she sees when she gets to her home going up on the roof, and
13 you can see in the pictures there's a million villagers now on
14 the roof, you heard from various witnesses they had gathered
15 in the street as well, the police are arriving, and she tells
16 you that quickly she sees Rukhsana Kousar leaving her home,
17 Kousar's home. She doesn't have her head covered at that
18 point in time. People are reacting rather than doing what you
19 might do otherwise if you have time to think, to reflect, to
20 worry about convention, and she sees her move to the scene,
21 crying, screaming, understandable at that point in time, and
22 then the police arrive and she testifies about seeing the
23 daughters there in the company of the police.

24 The point is as compared with the accounts of
25 Rukhsana Kousar and Seemab Asghar, I submit to you Nazia

1 Khanum's account at least seems to reflect what you know had
2 to have happened. There was a third person shot there driving
3 this who was in the hospital who's their relative. She sees
4 that. She sees that these two witnesses, government's
5 witnesses, are not there. She sees Rukhsana come then from
6 her house because people are coming out of their homes,
7 they're hearing things, right, coming down to see what's what,
8 you can see evidence of that even when the police are there
9 some time later, and that's what I submit to you happened on
10 that day.

11 So what does that mean and how does that help to
12 explain perhaps, although we don't have the burden of proof,
13 how does that help to explain perhaps this business of: What
14 time did you tell your mother to meet you? 1:30. She got
15 there about 1:35. It took 20, 25, maybe a half-hour to get
16 home. It helps to explain why here before you and under oath,
17 and that matters, the witness is referring to coming around
18 the corner standing and where the bodies were, standing by the
19 way, she says, together with her mother. Make no mistake
20 about it, we're talking about both of them. It helps to
21 explain why here they're in a completely different spot
22 (indicating) where the letter F says they were on that date.
23 According to what they were telling the authorities this is
24 the spot where Rukhsana Kousar and Seemab Asghar saw the
25 incident. They had their minds made up about who's

1 responsible for this, and they proceeded accordingly, and
2 that's how you get to the issues I've just been discussing
3 with you for a while.

4 The next question is what to make of it. Does it
5 make sense that people are walking up to, that these two
6 people in particular, if the rest of the story is all true,
7 it's all accurate, it really, really happened that way in
8 Pakistan, not Patchogue, if it happened that way that they're
9 going up to seven men with machine guns who obviously at this
10 point before they can even recognize who it is that's been
11 harmed are there brazenly with villagers, people on the
12 street, right, no hired hit men. We heard about payments of
13 \$900 in Karachi. We heard about rich and powerful people who
14 can afford to do anything. Not with some stranger or hit man,
15 but there themselves, broad daylight, 2:30 in the afternoon in
16 front of God knows how many people. That's the theory, but
17 that theory includes then, necessarily, that the two witnesses
18 are running up to people with submachine guns, and more
19 importantly, at that point in time, that all of the people
20 with submachine guns, not one of them, although they say
21 turned their attention to them, not one of them fired a bullet
22 in their direction, at them. Does that make any sense
23 whatsoever given what they tell you this was all about?

24 You heard from witnesses about the rat-a-tat-tat,
25 right, of automatic gunfire. Does it make any sense, seven,

1 eleven men with guns chasing people?

2 And by the way, further proof that there's no
3 mistake here when the witnesses were asked where they ran, and
4 you'll take a look at this, but it's all completely on the
5 other side of where that corner is where the shooting is and
6 where they previously placed themselves as down here
7 (indicating). You'll see, this is all perfectly consistent
8 with the claim that they observed this as they turn the corner
9 and then they ran back in this direction "house where I ran"
10 and although it says "mother's house," as you hopefully
11 remember, the witness wrote that as the house where her mother
12 ran. Again, if they're down here and they're making the
13 observation, they couldn't possibly be running back this way.
14 They have to be running right past all these gunmen right over
15 the bodies.

16 So if it is that, if it is that, then what to make
17 of the rest of what you heard here in court? If there is a
18 serious question, and I really hope there is, folks, I hope
19 based on the things I've been talking about now for a little
20 while about whether or not the people are where they claim to
21 have been, there's documents in evidence, received in evidence
22 to show this to you, there is the questions that were asked,
23 there is the time issue, there are defense witnesses. Well,
24 then how should you treat the testimony then of the same
25 people who brought you that when there is a terribly, terribly

1 sympathetic story being told really? And the answer is I hope
2 that you treat it the same way that jurors treat accounts in
3 court all the time, and that is for you to determine what the
4 truth is, not giving the Government the benefit of any doubt.
5 There's nothing the judge will tell you about giving them or
6 their witnesses the benefit of any doubt. The only thing
7 you'll hear about presumptions under the law is that the
8 defendant is entitled to that presumption of innocence.

9 Juries are always called upon to decide these
10 questions, and what I'm saying is where the defense has done
11 their level best to show you that the people were not where
12 they claimed they were. In fact, one of them was on a bus
13 coming back, on a private bus, as the witness has said
14 previously, coming back to that area at the time, met by the
15 police at that bus, where another one was not on the scene
16 with that daughter, but was coming from her home, as were
17 other villagers when they heard gunshots, and then the
18 witnesses come into court and tell you things about other
19 things that went on, you treat it with skepticism. You treat
20 it with great skepticism, and you should.

21 And so, when you hear from the same witnesses about
22 overhearing basically every telephone conversation known to
23 mankind in this trial, every single one, whether the witness
24 or one of them said was on speakerphone or not, they could
25 overhear, they could overhear, is that not an effort, is that

1 not an effort, I ask you, to embellish what someone is saying?
2 Think about it. Think about it in your life. Is that common?
3 You're there with your wife, your son and they're talking on
4 phone and you can hear what's going on on the other end of the
5 phone and it happens all the time? And then I asked one of
6 the witnesses: Are you saying that the speakerphone just
7 happened to be on by chance? And she says no, it wasn't on by
8 chance. She was asked that in the past by people who were
9 interested in learning more about her account. This is Seemab
10 Asghar. And then you learn that that's exactly how it was
11 described when that issue was pressed: Yeah, it happened to
12 be on speakerphone just by chance at the funeral.

13 Many of these things, although they sound appealing
14 and they're part of a handsome narrative, upon closer
15 scrutiny, I hope, I hope when you use your common sense and
16 life experience you say they're trying too hard, they're
17 trying too hard. Every conversation everyone can hear. None
18 of this is a result of what somebody said to one another. And
19 we get into rumors. We heard testimony about rumors in town
20 about a girl running off.

21 This is serious stuff and deserves serious attention
22 on your part in thinking about what these things mean. People
23 claim to be inside of interior rooms in a house running away
24 from scenes and yet being able to hear people speaking on the
25 phone, again not on speakerphone this time, but talking into a

1 phone when you're inside of a house trying to get away from
2 the street where people you claim are out there with machine
3 guns chasing you down but not firing a single bullet. And you
4 heard the testimony from Rukhsana Kousar that she was in there
5 for, quote, more than an hour inside this person's house or
6 bathroom within a house, and you heard yesterday from the
7 police officer that there were gunshots heard, there was a
8 call made about 10 to 14 minutes later directing him and
9 others at that check post, the checkpoint, to go from there to
10 the village of Chiryawala, and although there was some
11 cross-examination about how this man, this police officer
12 stationed at a check post where he tells you that he and
13 others assigned to that duty are stopping trucks and vehicles
14 and inspecting them and looking in there for whatever it is
15 that they look for, somehow because he didn't go running at
16 that moment, what, the same guy who they agree was going
17 raiding houses, the same guy they agree was picking up the
18 other daughter was making up a story now because he didn't run
19 off? And he told you: Actually, that's where I'm assigned
20 to. I can't just leave. I'm waiting for a call, which came
21 just a short while later from a superior officer directing him
22 and others to go there on their motorcycles down to the scene,
23 and you can see in some of the photographs how many police
24 officers eventually showed up there, and this is one of his
25 duties. If you think that a police officer is making up a

1 story about responding to a scene, and they don't say he's
2 making the whole thing up, only that part about meeting on a
3 bus. Yeah, he went to pick up the other daughter. Yeah, he
4 was involved with raiding homes, not very helpful, but the
5 part about meeting on the bus, he's making that up and one of
6 the ways you can tell is because when he heard gunfire, he
7 didn't immediately leave his post and run into a nearby
8 village. In the face of his testimony, you can't do that.
9 You got to wait for instructions from a superior at that
10 moment and that's what he did and that's what he then
11 proceeded to do. Go ahead, throw out his testimony because he
12 had to wait for a phone call from a boss to tell him that it
13 was okay to stop stopping cars at a check post and get to the
14 scene where all of these other police officers were
15 responding.

16 Or because someone doesn't bring their cellphone
17 from Pakistan to the United States where it wouldn't possibly
18 work, that he's making up a story. Have any of you ever been
19 to Europe, South America? Do your cellphones work when you
20 bring it there? Or do you leave it at home when you know it
21 doesn't work unless you have a special type of phone.

22 Let's talk for a moment about this 1-130, this visa
23 that's been discussed, I would agree, as the visa application.
24 In the context of what you heard from Amina Ajmal, I submit to
25 you there's no crime that was committed by my client or any

1 other family member here. All of her testimony, all of her
2 testimony, which includes an acknowledgement that not once or
3 twice or three times, but for months on end, and I hope this
4 is important to you as well, folks, for months on end she was
5 meeting with numerous agents, with attorneys, prosecutors, and
6 lying about I guess what someone considered to be significant
7 when they're going through it because she was later called to
8 account, castigated for that, told this was not acceptable,
9 right. So it's easy now in retrospect in front of a jury to
10 try to downplay or tell you lying to federal agents about the
11 whole story behind how and under what circumstances you came
12 to leave Pakistan is really understandable, it's no big deal.

13 Well, if it's not a big deal, then what about the
14 testimony from that same witness that she was warned
15 repeatedly at the start of each session that making false
16 statements, lying about anything, any question posed to her at
17 that meeting was criminal, was a crime for which she could be
18 arrested and prosecuted. That stuff doesn't matter now when
19 it's their witness. It doesn't matter anymore. She lied from
20 just talking about when she arrived in the country from
21 January through up to and including August. That's a long
22 time, is it not? It's a long time on a calendar and it's a
23 long time when, as you heard, there's scores of meetings
24 taking place. And after each meeting is taking place she's
25 picking up the phone with this fellow Shujat Abbas to compare

1 notes. Not to compare notes about just what they said about
2 their relationship. That's not her testimony. Her testimony
3 was: We went over everything that they asked us and every
4 answer that we supplied. That's what her testimony was. It
5 wasn't let's just discuss, you know, how we can frame our
6 relationship in a way that will help both of us. That's not
7 what the testimony was. The testimony was after each meeting,
8 at which, by the way, she was asked, she told us, about
9 contacts with that person, with Shujat Abbas, after the last
10 time she had met, right, that she was in contact, either in
11 person or on the telephone, with that person, Shujat Abbas,
12 and they went over exactly what she had said and what he had
13 said when speaking with those same people. So just to set the
14 picture, please, folks, she is specifically told: You are not
15 supposed to be discussing your story, your account with
16 anybody, let alone this person. She says she understands.
17 She understands that this is serious business, and then after
18 that meeting takes place, she is doing the exact opposite.
19 That is, she is going over each and every thing that has been
20 discussed at that meeting, and he's doing the same. And then
21 they're being asked when is the last time you spoke with one
22 another, and they're accounting some of it, but not this other
23 stuff about rehearsing all of that information by going over
24 it, by comparing notes.

25 If that's a small deal for any of you, then tell me

Summation / Sosinsky

1463

1 why this is a big deal.

2 (The above-referred to exhibit was published.)

3 MR. SOSINSKY: If leaving a meeting, right, if
4 leaving a meeting after you've gone over the fact that you
5 need to be honest, you need to be truthful, you cannot lie,
6 you can't misrepresent, and you're not allowed to have contact
7 with another person, this is a federal investigation, don't
8 speak with this person, you can't speak about this, and for
9 eight months you're violating that and you're violating it and
10 you're coming back and telling the same people: No, I
11 understand. Yes, yes, yes. No, I spoke, but it was about
12 this, he told me this about his mother, why is that not
13 serious business? Why is that not the type of thing that you
14 should be evaluating in whether or not you're getting the
15 whole story here, the true story, the whole truth and nothing
16 but the truth, as the oath requires, doesn't it? So that's
17 not a big deal, right, lying to them for eight months at
18 least, but as she told you, and as has gone on in her family
19 and I submit to you scores of other immigrants' families where
20 one family member or another will help out another in filling
21 out a form or writing or signing in connection with
22 immigration and other type things, that no one calls a crime
23 until -- no one would ever call a crime until it comes into
24 the context of her having to come back to the United States,
25 you learned later, with Shujat Abbas here who she acknowledges

1 since 2008 she's wanted to be together with, at least, maybe
2 earlier, how is that not a very, very serious matter, but
3 someone in her family, as she says, without her objection,
4 signing this for her?

5 And think about this, as I said to you when they
6 first started, it's not a case where someone is being paid to
7 say that they're someone's husband or wife, and that goes on,
8 this type of scam goes on all the time. People take nice
9 pictures at Rockefeller Centre at Christmastime and you give a
10 phony address and say "we're happily married" and after
11 immigration or somebody says okay, you know, you're off in
12 another direction. In this family, as you heard, and it's
13 really not ours to judge. I mean, it's certainly nothing that
14 I or you would ever do, but they marry for generations,
15 cousins, their relatives. Not only them, by the way. You
16 heard from an expert that this goes on in Pakistan and in
17 other countries, this arranged marriage, marrying family
18 members, even cousins, close cousins, been going on, and that
19 the men in those relationships will sign documents for the
20 women.

21 And now in this instance, under circumstances where
22 she tells you, her testimony is, and I realize the judge will
23 tell you what the law is and one thing he'll tell you it's not
24 what a witness says and that includes a witness from the
25 immigration authority who told you what is and isn't allowed

1 or not. You'll listen to the judge's instructions on the law,
2 that's what counts. But Amina Ajmal, so you would think knows
3 what went on here and the circumstances herself says this is
4 not visa fraud, and the reason she's saying that is whatever
5 else was going on, whatever competing interests, whatever,
6 they call it threats and perhaps it went on at some point, but
7 she is married, she's married, she has a ceremony, she has a
8 celebration, and we'll talk about that celebration in a
9 moment, it really happened, and in the case of the rest of her
10 family, this is Exhibit 1A, in the case of the rest of her
11 family, it results in and what's not pictured here, although I
12 asked, results in children, grandchildren, offspring. No
13 information that anyone is not happy or that somehow the
14 children's lives who are a byproduct of this practice, either
15 in their family or any of the other millions of families who
16 engage in that type of thing are somehow worth less or they
17 can't be happy. That's what has gone on there.

18 And so the timeline on the filing of the I-130 is
19 there is this religious ceremony, a nikah that takes place,
20 you heard, it was actually first. I had to get this from
21 Amina, it was planned for March 2011. She says she didn't
22 know much about that, but for some reason it didn't go through
23 then, so about a year later, March 2012 this religious
24 ceremony, nikah, take place, and you learned from witnesses
25 before her that that's a ceremony that has witnesses.

1 Interestingly when you consider what the truth is, please
2 remember who the witnesses were at Rukhsana Kousar's daughter
3 Abida's wedding. The witnesses there were these Iqbals, Javed
4 Iqbal, the man who they claim is setting them up for death, is
5 participating in this murderous plot, of all the people in the
6 world, is chosen to be the witness signing off, certifying
7 their own daughters' wedding. She's wed, Amina is, March
8 2012, and when you think through this charge on immigration
9 fraud, again facts, times, dates are important. They should
10 not be ignored. The wedding takes place, the marriage takes
11 place in March 2012, right.

12 If the whole purpose behind this is somehow putting
13 aside the fact that there's whole families that were
14 byproducts of this, children and grandchildren and new homes
15 in New York and school and all this stuff, but if this really
16 was about just some sort of a fraud, a scam, to get this guy
17 over to the United States, then why wouldn't they have done
18 this, why wouldn't they have done this on the heels of the
19 March 2012 wedding? They have the document, they have the
20 actual legitimate marriage certificate, much like I guess the
21 equivalent we'd have here. You know, at City Hall if you
22 don't have a wedding celebration, but you just want to get
23 married and have proof accepted by local government. So if
24 the game plan, if the master plan was to get the guy here, why
25 wasn't something submitted in March of 2012 if that's really

1 what was going on, or the next month, or the next month.
2 Nothing like that. We can go through here and what's required
3 is that you're actually married, and it's undisputed in her
4 case and in the case of the Kousars' daughters, it's that
5 moment when you go through this nikah ceremony that you're
6 married, you're husband and wife under the law, and I think
7 Amina Ajmal told you all that.

8 So now all these months later as we get into the
9 winter of 2012, what are they waiting til then to submit this
10 form for if this is about fraud? Well, it's done right after,
11 what, on the heels of the actual wedding celebration. It's
12 done after that. It's done after her father comes back here
13 to the United States, which is days, couple of weeks right
14 afterwards. That's when it happens. But if the idea here was
15 to commit fraud against immigration authorities, and by the
16 way, this is interesting, did you hear anything in this trial
17 at all about -- this is Government Exhibit 501, Your Honor.

18 (The above-referred to exhibit was published.)

19 MR. SOSINSKY: Anything at all about fraud in
20 connection with her husband's signature, submissions,
21 information? You didn't hear anything about that, right?
22 So what is it, there's no claim that the same people putting
23 this together, somebody forged his signature or fabricated
24 that information, nor is there a claim that anything there is
25 not true, but now in the face of a witness who tells you:

1 This was not visa fraud. We talked about this, my family and
2 I talked about this. I didn't object to it. I was pretending
3 to be married. And we know that this whole thing that going
4 on with Shujat Abbas, that happens, I think she says, January
5 4th where this plan is finally put into action where she
6 leaves and he takes her to the embassy. If that I-130 form
7 had been submitted after her father knew that she had left,
8 that would be one thing. This was filed, as you heard
9 testimony and as you can see here, right after the wedding
10 celebration, not after she ran away, not after that. She
11 tells you before it's put together that she has discussions
12 with her family, she says her brother, about getting a photo.
13 You need to submit passport-type photos, and I asked her about
14 this and she tells you: Yes, on a particular date, my husband
15 and I, Babar and I went to a market and had our photographs
16 taken and they're within this file. So there's an actual
17 discussion going on about this, she knows about it and, as she
18 says, she didn't object. The Government says it doesn't
19 matter, it's fraud at that point. It's fraud because they say
20 it's not her signature.

21 Okay. That's not right. Listen to the judge's
22 instructions on this.

23 And recall, please, when you consider the lies over
24 an extended period of time that were told, what the goal
25 ultimately here was, even according to Amina Ajmal. She told

1 you throughout whatever she says had been going on, she was
2 still going to, she believed, be married somewhere living with
3 Shujat Abbas. She testifies, in fact, that even when she came
4 to the United States in January 2013 she believes she would go
5 home and still be able to be with Shujat Abbas. Does that
6 make any sense? Does that make any sense in light of
7 everything else you heard?

8 There has to be a reason, an account that she
9 provides, and she did it here, that would create in your minds
10 the notion that she truly is being held against her will. Not
11 talking about moral or pressure being asserted by family
12 members, her sisters, her brother, or her understanding of
13 tradition and history, but I suggest to you much of what she
14 told you about that was not true, it just was not true. Yes,
15 she was there, but she also described throughout her testimony
16 the role of tradition and understanding and what had taken
17 place with her sisters and then coming to the United States
18 and that her husbands coming to the United States, in the case
19 of her brother, her brother's wife coming here, that that was
20 what had gone on in her family.

21 She told you she moved in with Babar following her
22 wedding. Let me just briefly point out, because although
23 there hasn't yet been the implication, I was concerned that
24 even though the witness stated that at weddings apparently
25 you're not supposed to be looking up, even on other forms of

1 ID that we have here, the photographs, you won't see her
2 smiling. I mean, if the suggestion is somehow in those
3 photographs that that proves that this was forced upon her,
4 this is a learner's permit.

5 (The above-referred to exhibit was published.)

6 MR. SOSINSKY: You heard it's in evidence, this is
7 one of the IDs that was found. The same is true here. I'm
8 not saying that any of us necessarily smile when we have our
9 pictures taken for a driver's license or DMV, but the point is
10 these are other examples where she's not smiling either.

11 Let me turn briefly to this notion that somehow
12 because my client's brother, Mohammad Afzal Choudhry, had for
13 some period of time been a publicly elected official that that
14 means that he and the rest of his family are, therefore,
15 running ramshod, even though no one has said much other than
16 what happened in this case, they claim about them.

17 His family, his brother, throughout the course of
18 the trial, they're being attacked and assailed. Motives are
19 flying around right and left because one member was in the
20 past an elected official, a Nazim, which was roughly
21 translated to be a mayor, someone who has governmental
22 authority over several villages, and because he was elected to
23 that office with responsibilities, you heard something about
24 infrastructure, roads, schools, that type of thing, somehow
25 the implication in this trial, ironically, is that that's a

1 bad thing, it's bad, it says negative things about a person if
2 you achieve that position, it gives you influence, it gives
3 you power such that violence and murder is somehow more easily
4 hidden, sanctioned, pushed aside.

5 The bottom line is, and this is why I say that it's
6 ironic, in this country we cheer, we root for, we celebrate
7 when other countries, especially so-called third world
8 countries, turn to democratic electoral governments as
9 compared with where they came from, and for good reason, and
10 yet when there is such a member, someone who's elected when
11 they're evolution and change from past methods of government
12 and that person happens to be a man's brother, that provides
13 the cover, the Government claims, for them to do whatever they
14 want and get away with it. Of course it makes absolutely no
15 sense considering, according to their evidence, within a
16 half-hour, 45 minutes of this, an entire police force who's
17 supposedly in bed with them is going around house-to-house
18 looking to raid and arrest people, right. Think about it,
19 this rich, powerful, a cab driver working, you saw here,
20 taking two days off a month, two days off in three months, I
21 should say, rich and powerful, sending money back to his
22 family, \$200 here, \$800 here, rich and powerful. Somehow in
23 this courtroom in Brooklyn, this federal courtroom, someone
24 was elected democratically there provides cover for all of
25 this.

1 If they had that power, if they had that ability,
2 you wouldn't have heard about all the raids. You wouldn't
3 have heard about all of that. It's not true. He is who he
4 is, and their family, as you heard, they own a home, they have
5 some land, and they have a store where they sell gas
6 containers or canisters. The impression perhaps you heard
7 from people in Pakistan is because they have relatives in the
8 United States as compared with perhaps others, that that means
9 somehow that they're rich and wealthy. You heard about eight
10 adults and numerous children, young kids, living together in
11 that house, you saw from the outside a modest home in
12 Brooklyn.

13 I have not mentioned, before I turn briefly to the
14 audiotape recordings, I have not mentioned some things that
15 the witnesses told representatives of the American consulate
16 before they were flown over here as eyewitnesses to all of
17 this, but you heard testimony about it. You heard testimony
18 from Seemab Asghar that she told the people at the consulate
19 that she saw Mohammad Akmal shoot her family in the head or in
20 the face. And once I asked her and she said: That refreshes
21 my recollection, she told them that at some point, her sister,
22 after being shot, was asking the shooters for water. That's
23 in evidence, that's in testimony. I just asked her the
24 question and she said: That refreshes my memory on that.

25 The audiotape recordings include things that Amina

1 Ajmal is saying that she knows are not true. Now, the
2 Government offered testimony before you that in no way, shape
3 or form did they prepare Amina, they swore, as to what to
4 discuss. There was no script employed, that there was no sort
5 of outline of subjects to cover, and yet if you listen to the
6 tapes, or more importantly if you read the transcripts, the
7 tapes won't be much to you, but if you go through the
8 transcripts carefully, I think you'll see that there are
9 mission statements in there. In other words, it's very, very
10 clear what the instructions were. And I say that because if
11 you go through there you'll see that for the most part, it is
12 Amina pressing her father throughout on: What will happen if
13 I don't come home? But she is saying clearly things that she
14 knows are not true, and I asked her this, things like, and
15 they laid this record in there: You will kill me if I come
16 home. I know you will kill me. And she testified repeatedly
17 that she knew that that was not true. She didn't really
18 harbor, she didn't really have that fear that her father would
19 kill her or anyone in that home would harm her in any way.
20 Ironically you heard her say her father never, ever touched
21 her, laid a hand on her, disciplined her, but she keeps
22 saying: You'll kill me. You'll kill me. Notice the words
23 being used: You'll kill me if I come home. Count the times
24 as you go through there, and every time she does he tells her:
25 That's not true. Of course not. But she continues to say

1 things that she knows is not the case.

2 On the last of these calls, there can be no question
3 because I asked her, that her father repeatedly denied that
4 he, or we, as the Government likes to cast everyone together,
5 I guess including aunts who are at that house in Brooklyn at
6 the time of the phone calls because earlier it was said that
7 the defendant and his family knew well what they had been
8 doing. She speaks to sister, aunt on the phone. All of these
9 people are involved, according to the Government, but that she
10 understood during that conversation when she hung up and
11 briefed the Government over the fact that her father denied
12 that he or "we" were involved in the shootings that had taken
13 place, and the call itself, the call itself, the transcript of
14 the call shows this. He denies it, she presses. He denies
15 it, she presses. She lies again. She lies again and tells
16 him: If you swear you didn't, I'll come home. He does that.
17 And then she presses on as if he has not just sworn to that
18 fact that he/we did not do that. So I suggest to you that
19 there's a lot of planned cageyness that's going on on both
20 sides during these phone calls.

21 Another example of what I would call my client, Mr.
22 Choudhry, blowing hard with his daughter in these
23 conversations is when he says to her: I'm going over there
24 myself. Remember this? On Monday or Tuesday, he's talking
25 to her. I believe, on a Friday, on the 22nd of February, we

1 learned the 25th to be a Monday, the 24th we saw a bunch of
2 these TLC records. Let me just say for a moment I never asked
3 a witness whether on every Sunday his shifts were shorter. I
4 never did that. I asked the witness to look at the chart and
5 to tell us whether on particular Sundays those shifts were
6 much, much shorter, and there's no question about it, and as I
7 asked him you have on this chart and in those records on
8 Sundays, unlike other days, you have some very short shifts,
9 one of them is three-and-a-half, one is just a bit over four
10 hours. I'm not saying every Sunday, but the point is Sunday
11 comes after working Friday night and Saturday night here in
12 the city, here in Manhattan. Those are, I hope we all know,
13 very, very busy nights for cabs to pick up people, tourists,
14 people having a good time, going out to dinner, whatever it is
15 that we do. But they're there, they're there. Take a look at
16 it. And while we're on this, if the defendant is somehow
17 involved in ordering, orchestrating, conspiring, agreeing with
18 regard to the events of January 26th, take a look at that day
19 and what his hours working and why he's not racing home when
20 he knows something terrible's about to happen and for some
21 reason needs to be at his home as opposed to in his car where
22 the Government contends he's perfectly happy to talk about
23 terrible, terrible things on the phone. What does he have to
24 be home for? Please ask yourself that, what does that really
25 prove, that he has to be home when he knows things are

1 supposed to happen? Didn't they tell you, look at this, he
2 just dropped somebody off and he's engaging in this guttural
3 threatening talk, they say, with his daughter while driving a
4 cab. So all of a sudden now he needs to run home? Take a
5 look at the TLC chart. You'll see that although he worked
6 hard, he did, there were days when it was much, much less, and
7 there were Sundays when it was much less that approached even
8 that day. The Government offers nothing about the reasons
9 why, for example, on a few weeks before he would work
10 three-and-a-half hours as opposed to seven-and-a-half or eight
11 hours and weeks before that why he would work four hours on a
12 Sunday and gone home. They know nothing about that.

13 Nor do you know anything about any of the other
14 phone contacts between everyone they claim is relevant in this
15 case throughout the months or years prior to two particular
16 dates they want you to focus on, but even according to their
17 evidence, these are all relatives, right. This is all that
18 extended family. You heard from Amina that in her house here
19 in Brooklyn, the residents spoke on the phone, including
20 cellphones, with people back in Pakistan all the time. It's
21 not surprising in an immigrant family where much of it is
22 overseas that that would take place. She even told you that
23 she sends money back home. That's not surprising either.
24 They're not the only family from Pakistan or Dominican
25 Republic or Italy or anywhere that will send money back home.

1 Are we talking about an incredible amount of money?

2 And you heard earlier today one of the overt acts,
3 one of the things that the Government points to as proof of
4 what's going on here by my client is this notion that on a
5 particular date and time, this powerful, wealthy, controlling
6 family received an 800 or \$900 or \$600 wire transfer to
7 Pakistan. Can you please, when you consider things like that,
8 consider what was said just two sentences before, that these
9 rich, powerful people, now the Government says, needed money.
10 Rich and powerful don't need money, but because the Government
11 wants you to believe that all phone contacts and sending of
12 money back there when it goes on all the time was part of this
13 murderous plot for which witnesses were not present and came
14 into court and told you something different than the truth,
15 that you could rely on that date that that's what that money
16 was sent for. Does that make any sense whatsoever? Is there
17 any one of you that says okay, they're rich and powerful, they
18 control things, they live in a mansion you didn't see a single
19 picture of? You saw a little videotape that looked very much
20 like the Kousar, the Abbas home, no nicer, no better, no
21 worse, no testimony that their house was any fancier or not
22 than that home.

23 You heard Asghar owned plenty of properties, plenty
24 of land. You heard that if his family wasn't there in
25 Chiryawala anymore, that certain people like Javed Iqbal and

1 his brother then would get his land, Asghar's land. All this
2 business of rich and powerful and who owns more assets, and
3 then it's they need to send hundreds of dollars over there to
4 make this thing work. I hope you remember when I asked the
5 witness, I think it was Amina, about learning from that family
6 that if they were killed, Javed Iqbal and others would take
7 over that land, would take over that property.

8 And then in these phone conversations, Mr. Choudhry
9 is talking about get police protection. The Government mocks
10 that and says well, she already had police protection, she's
11 sitting there with federal agents. That's not the point. The
12 point is what he knew, what he believed, what he intended at
13 that time when he said that, and how does that shed light on
14 truly what's going on here and making a determination as to
15 whether or not these are real, true threats or his efforts, as
16 guttural as they were, to persuade his daughter to come home,
17 to come home to the house where she used to live and then they
18 would sit down and talk about it, they would talk about
19 whoever she wants to marry.

20 By the way, you heard testimony even from her that
21 he never at any point in the past was telling her that she had
22 to marry Babar. He told her: If there's somebody else - and
23 there's evidence of this in the phone calls - we'll talk about
24 it. Somebody else, it can be arranged, it can be allied. And
25 then he talks about trying to find someone else, but there was

1 no one else by the time she's back over there in 2009, '10,
2 '11. Why is he telling her to go to the police, if you have
3 concerns, go to the police? Why would he be saying that if
4 he's dead-bang guilty of orchestrating, of conspiring, of
5 planning to kill, as opposed to what words say when you know
6 on the other side of the conversation there's plenty of
7 blowing hard, exaggeration, lying as well.

8 "Go to the police, tell them what your concerns are
9 and then come home," I submit to you that that's not what you
10 would expect someone to be saying to someone if he's guilty of
11 making threats on those phone calls. She's telling him she's
12 here, of course she's not saying where, and he's trying to
13 persuade her to come home, as are other members of the family,
14 aunts, sisters. You hear in the phone calls: Please speak to
15 your aunt who raised you since you were a little girl, because
16 her mother had died. Speak to her. She's dying. They're
17 always using these expressions, "dying," "we are dead." This
18 is not the English language. This is Punjabi. She's using
19 "kill." He's using "we are already dead." This is not easily
20 digested and understood. Just like much of the culture, the
21 background, the anthropological information is not easily
22 understood, perhaps not accepted by some or all of you. But
23 make no mistake, in these calls, it is she who is pushing and
24 pulling and saying: If I don't come back, what will you do?
25 If I don't, what will you do?

1 As far as he knows at that time, and there's nothing
2 she says otherwise, she's not in touch with Shujat Abbas at
3 that moment, at that time when they're speaking during this
4 snippet of ten or so days in February of 2013, and what he
5 says to her during those calls, therefore, should not be
6 viewed by you as true or real, unconditional threats. He's
7 talking with his daughter. He wants her to come home. There
8 are clearly, at this point in time, a number, and I suggest to
9 you a great number, of people back in Chiryawala who are not
10 happy with the way that the Asghar and the Abbas family have
11 been dealing with this.

12 Let me just talk for a moment about this, and I know
13 I've been going and I know it's getting late, and I'll wrap up
14 soon, but this is important stuff.

15 You heard testimony that at some point, there are
16 relatives of Asghar coming into that home. You heard
17 testimony that there are numerous people coming to the home.
18 You heard testimony that there is a convening on a number of
19 occasions of this Panchayat, and the Government asked
20 questions about what the Panchayat is and there was testimony
21 from an expert witness about what the Panchayat is and the
22 expert explained what it is, it's sort of respected elders in
23 a community who people go to to discuss problems or issues,
24 but in this case, in this case, although discussed and talked
25 about as a Panchayat, for some reason it's not that at all

1 because in this case it consists only of the very people who
2 they claim are the people who have been harassing, bothering,
3 threatening, and indeed shooting. Does that make any sense to
4 refer to it then as the Panchayat? And yet that's how it was
5 referred to here. But remember this, these respected members
6 of the community, the elders, at one of the meetings at their
7 house, I asked questions about whether Rukhsana Kousar at some
8 point, after learning information about that, herself
9 addressed, challenged, complained to the Panchayat about what
10 they were, I guess the deal is, mediating or advising the
11 family should be done under these circumstances. After all,
12 that's the purpose of the Panchayat, right, according to all
13 the testimony here.

14 So I asked and you heard evidence that it's very,
15 very unusual for a woman to address and certainly to
16 challenge, to go after, to complain about recommendations,
17 decisions of this body, this informal body.

18 I asked further questions about Seemab Asghar
19 supposedly calling on the phone right after she learns that
20 Javed Iqbal has allegedly set up her family for death, this
21 January 26th thing, right. Right after that, I asked
22 questions about a story that was given about calling up the
23 very person who is, by the way, the witness at your sister's
24 wedding, but in any event who you know has just set up your
25 family for death, calling up and challenging him about having

1 done exactly that, an elder of the community being challenged
2 over the telephone for what he had just done. You heard a lot
3 about Pakistani culture. Does make sense to you that that's
4 what occurred? Does it make sense under the circumstances
5 that anything like that would have occurred? Does it make
6 any sense that a few days later, that same Javed Iqbal is in
7 that same home, just walking in and out, the witnesses said,
8 and Seemab is sitting next to him and overhearing a telephone
9 conversation without fear that this person who she's accused
10 of trying to kill a family would recognize that that girl, the
11 woman, the young lady is right there, right there with him?

12 If these things happened, and it will be for you to
13 decide, if these things happened, if you accept based on all
14 of the believable evidence in sorting through this that that's
15 what happened, then I suggest to you it certainly creates, in
16 the context of people's understanding and views of the whole
17 drama behind this, that others were greatly antagonized and
18 upset with that family. You heard testimony, evidence in this
19 case, about people aren't talking to us and they're hostile
20 and we used to have this, hostilities, and yes, it's true,
21 it's my client's daughter, but yes, it's also true if you take
22 on, again in Pakistan in a third world country you know very,
23 very little about, you take on the Panchayat, you take on
24 elders, you take on someone who stands to benefit from your
25 family's death in terms of acquiring your land, as she said,

1 that's not a good thing. She said some family member said to
2 her afterwards that is not good what you just did, if it
3 happened. According to her own testimony, that's not good.
4 That itself, I suggest to you, could lead to violence, could
5 lead to a desire to harm when you are defying tradition,
6 convention, even in that way.

7 Let me speak briefly about the evidence the
8 Government offered about --

9 THE COURT: How briefly? How much longer do you
10 have?

11 MR. SOSINSKY: Judge, I have about ten minutes.

12 THE COURT: Go ahead.

13 MR. SOSINSKY: About things they say my client said
14 to them when they arrested him on February 25th, 2013.

15 He was described as cooperative and polite. And by
16 the way, his family, when the agents went back there almost
17 three months later, two-and-a-half to three months later, was
18 described similarly, that people were cooperative. In fact,
19 they were telling, showing the agents whose room was which,
20 who slept in which room, whose stuff was.

21 Anyway, the account is that he's taken into custody.
22 He's placed under arrest. He's told why he's being arrested.
23 He's put in this room, they call it interview, I call it
24 interrogation, whatever. He's put into a room. He's
25 presented with a rights form, and the claim is that he

1 understood what was going on. He understood what the rights
2 were, and that he decided before he would say anything further
3 that he wanted to speak with, to meet with a lawyer, an
4 attorney.

5 But with regard to whether he understood what was
6 before him, those rights, I asked the agent: Well, what
7 happened? And he said he read it, the agent read it, and
8 then Mr. Choudhry read it, and then he asked Mr. Choudhry to
9 explain each of the points on that form to him, and I asked
10 the agent, I said: Can you tell us what he said? How did he
11 explain? And I went seriatim, I went down that list, and the
12 answer was the same: I can't recall what it was, but whatever
13 it was showed me that he understood what it was. But there
14 was no approximation, there was no in substance, there was
15 nothing. There's no testimony here about how it is supposedly
16 that Mr. Choudhry was explaining what his rights were.

17 For some reason, this person who understood what's
18 going on was asked to initial each of those points for which
19 the agent could not explain, or could not recount here at
20 least, what it was that Mr. Choudhry said, and he's instructed
21 to initial next to each one, but importantly, right to the
22 left or right of it is an X where he's supposed to initial,
23 and I suggest if someone knows what's going on, if someone is
24 being asked can you initial next to each of these rights, you
25 don't need to put an X there.

1 The same is true below where it says name and
2 signature. If you read you understand there's no need for
3 that, but more importantly, the claim is that after doing
4 that, they say: If you want to talk with us, if you want to
5 speak with us, then you have to waive those rights that we
6 just went over with you, and that my client said: I can talk
7 about the visa, but not about Pakistan. They show him the
8 waiver form and he says: Okay, I want an attorney. I want a
9 lawyer. I want to speak, I want to meet with a lawyer, after
10 being advised of those constitutional rights that, by the way,
11 are the same protections afforded to you or I, anybody.

12 So he, who understands what's going on according to
13 the agents, who speaks and understands English, makes clear to
14 the agents, the people in that room, and there were three of
15 them, that he wants a lawyer, and the claim is that after he
16 said that, and I take it it was understood, right after that I
17 ask how long, a minute or two later after saying "I want a
18 lawyer" then without a lawyer, the defendant, according to the
19 Government, just spontaneously, that means without further
20 ado, without provocation, without a single question ever being
21 put to him, just starts talking. And I beg you to please
22 consider what it was that is claimed to have taken place at
23 that time because it sheds light on much of about what you
24 heard over the past couple of weeks, but it is, to call it
25 scatter-shod is an understatement. I hope you recall what it

1 was. It jumps from this topic to that topic to this topic.
2 And I asked the agent what is the next thing that was said and
3 it was a little bit later. The record itself is clear and I
4 suggest to you that when you consider that this person had
5 just moments before, could have been a minute, maybe it was
6 two minutes, said: No, before I speak, I want a lawyer, it
7 makes absolutely no sense that the very next thing to happen a
8 minute or so later is: I want to speak without a lawyer.
9 Nothing happened in the interim, according to anybody, and yet
10 we have this account.

11 And significantly, for your consideration in this
12 case where you're trying to assimilate and figure out and
13 hopefully carefully scrutinize everything in doing your jobs
14 properly, you learn there's no recording at all made of any
15 interaction during any of this time when he's sitting in an
16 interview room. No recording, there's no video, there's no
17 audio. In that same office that earlier that same day no one
18 had any problem patching together and creating recordings
19 because it's important to memorialize for all time what's
20 being said, right, so no one can dispute it. That same
21 office, I don't mean physical office, but that same office,
22 the same agency I should say, no recording of that, just a
23 claim he was advised of his rights. He said he didn't want to
24 speak without a lawyer. We got up and all of a sudden now he
25 wanted to speak without a lawyer, but we hadn't said anything

1 to him in the interim other than: All right, we're going to
2 be taking you now. Does that make any sense? Does it make
3 any sense whether it's him or anybody?

4 There's so much more that I would like to say. I'm
5 understandably limited in time. I'm about to sit down. The
6 Government, you'll hear, will have another occasion to speak
7 to you when I do. That's how things work.

8 Let me say this. There is tremendous, tremendous
9 tragedy in much of the work of a criminal defense lawyer and
10 prosecutors. We're dealing with crime. We're dealing with
11 allegations against people, very serious stuff, but it doesn't
12 change the role of a jury, and it doesn't matter what trial
13 and it doesn't matter what the allegations are. If you're to
14 do your job fairly and faithfully, as you all took an oath, it
15 really requires that you do it without any appeal to sympathy
16 for anybody, and that's a hard thing to do. It's a hard thing
17 to do in life. It's a hard thing to do here. I recognize
18 full well that these allegations include charges that people
19 died and were killed. I don't take that lightly. I don't
20 take my role as a lawyer in this case lightly to you at all.
21 But whatever it is, whatever it is you can't ignore, you
22 cannot ignore what you wouldn't ignore if evidence in this
23 murder case, conspiracy to commit murder case was a scene, a
24 crime scene in Brooklyn or in Hempstead or Franklin Square or
25 anywhere within the Eastern District of New York. That

1 doesn't change the equation. You still must evaluate things.
2 You still have to, in trying to figure out things, ask
3 yourself what is clear, what's not clear. And don't make
4 excuses for anybody, please. Not for me, but not for the
5 Government either. Please evaluate the evidence carefully.

6 Please, I ask you finally, to afford my client the
7 same legal presumption that any of you or your family would be
8 entitled to if, God forbid, you were accused of a crime, that
9 presumption of innocence. Require the Government to prove
10 each and every allegation and to do so to the highest standard
11 under the law, the judge will explain to you, beyond a
12 reasonable doubt, and if you do, I hope and I believe that you
13 will come back in here with a verdict of "not guilty" on all
14 these charges, for good reason.

15 And I will say this, it's very easy for people to
16 wonder about the work of a jury unless they've sat in a
17 courtroom, unless they've heard all the evidence, seen the
18 witnesses, listened carefully, looked at exhibits. Only a
19 jury who has paid as close attention as I know you have and
20 will consider things as carefully as you will is charged with
21 the responsibility of ultimately determining what really
22 happened and your decision cannot be, and should never be,
23 second-guessed by anyone. You will, I'm sure, do what the
24 evidence as you determine it to be and the law, as the judge
25 tells you it is, requires you to do and that's all that I

1 could ever ask of you or any jury.

2 And if there's anything that I did that upset any of
3 you during the course of the trial, I apologize. I hope I
4 didn't. I have my particular role here and I try to do it to
5 the best of my ability.

6 Thank you, very much.

7 THE COURT: Ms. Hector, would you like to proceed
8 now, or would you like a ten minute break?

9 MS. HECTOR: It could be less than ten minutes, but
10 a restroom break would be appreciated.

11 THE COURT: A restroom break it will be. It will be
12 a 7.5 minute restroom break, ladies and gentlemen of the jury.
13 Then we will proceed with the rebuttal and then go on to the
14 jury charge.

15 Thank you.

16 (Jury exits the courtroom.)

17 THE COURT: The jury has left the courtroom. Do we
18 have any procedural issues to address in their absence?

19 MS. GANDY: Not from the Government.

20 THE COURT: Anything, Mr. Sosinsky?

21 MR. SOSINSKY: No, sir.

22 THE COURT: Thank you. All right. 7.0 minutes now.

23 (Recess taken.)

24 (Continued on following page.)

25

1 (In open court; defendant present.)

2 (Jury not present.)

3 THE CLERK: All rise.

4 THE COURT: All right, defendant and counsel are
5 present. Do we have any procedural issues before we bring the
6 jury out?

7 MR. TUCKER: Your Honor, just a query. I have not
8 tried a case before your Honor --

9 THE COURT: The answer to the question is: Jurors
10 have to ask for exhibits before they're sent in.

11 MR. TUCKER: Your premonitions are impressive, your
12 Honor, thank you.

13 THE COURT: It helps in this courthouse.
14 Anything else?

15 MR. TUCKER: That's all for the government.

16 THE COURT: Okay. Let's get the jury, please.

17 And that is because there are reported decisions
18 where district court judges are reversed for sending
19 particular pieces of evidence in to jurors, although there are
20 some people who do it despite the fact.

21 (Jury enters the courtroom at 3:19 p.m.)

22 THE COURT: Thank you. Please be seated. Ladies
23 and gentlemen of the jury, we're going to hear from
24 Ms. Hector, a brief rebuttal submission and then I will give
25 you the jury charge and then you will begin your

1 deliberations.

2 REBUTTAL SUMMATION

3 BY MS. HECTOR

4 MS. HECTOR: Good afternoon, ladies and gentlemen.
5 For the next few moments I'm going to address the arguments
6 that defense counsel raised in his closing arguments. And in
7 doing so, I'm going to refer to the evidence in this case,
8 because that is what's in the record and it's the evidence in
9 this case on which you will judge the facts.

10 Arguments by lawyers are not evidence. The evidence
11 comes from the witness stand and it comes from the documentary
12 evidence that was entered.

13 First, I'm going to submit to you that you heard
14 very little from defense counsel about some of the most
15 damning evidence in this case; and that is the consensual
16 recordings, the TLC records, and the phone records. You heard
17 very little about it, I submit, because there's very little
18 that can be said about it. The one thing that the defense
19 counsel focused on, with respect to the consensual recordings,
20 is his argument that somehow the threats that the defendant
21 delivered methodically and in an calculated cold tone on those
22 recordings were not true threats. Let me first start by
23 addressing that.

24 Defense counsel spent a lot of time talking about
25 the fact that Amina testified that she believed she did not

Rebuttal / Hector

1492

1 believe that if she came home the defendant would kill her.
2 So that means, according to defense counsel, that the threats
3 were not real.

4 First off, we submit that Amina's testimony that she
5 did not think that she would not be killed if she came home,
6 is questionable at best. I think it was clear and we submit
7 it was clear to the jury that Amina, although called by the
8 government as a witness in this case, was not a government
9 witness per se. I think it's apparent to all --

10 MR. FERRARI: Objection.

11 THE COURT: Overruled.

12 MS. HECTOR: In this courtroom that Amina tried to
13 shade her testimony where possible, to help her father, not to
14 hurt her -- hurt him. And that's understandable. She
15 explained why. You know why. She still loves her father and
16 she feels very conflicted about testifying here today.

17 Her actions speak louder than her words. Amina did
18 not go home. And she explained to you that while she was
19 conceding that she did not think that the -- that she would be
20 killed if she went home in Brooklyn, that was because she was
21 now in the United States. But it doesn't matter if Amina
22 thought that the threats against her -- sorry. It doesn't
23 matter if Amina thought that she would be killed if she went
24 home.

25 Let's make this clear. The defendant is not charged

Rebuttal / Hector

1493

1 with threatening to kill Amina. That is not the threat
2 charged. The threat charged in this case is the defendant's
3 threats against Shujat and Shujat's family. So regardless of
4 whether you believe that Amina did or did not think that she
5 would be killed, that isn't the issue. The issue is whether
6 the threats against Shujat and his family were real, and you
7 know they were real for several important reasons.

8 You know they were real because you listened to the
9 consensual recordings themselves. The defendant said it over
10 and over and over again. It wasn't an exaggeration. He went
11 flying off the handle. His words were cold and they were
12 calculated and he was calm. He was so calm, in fact, that he
13 didn't even miss a beat when stopping to tell a passenger in
14 his cab to have a nice day. Without missing a beat, he
15 returned to his call to Amina and told her how he intended to
16 kill Shujat and his family members.

17 You also know that they were real because the
18 defendant stated, again and again in those consensual
19 recordings, that he would go to jail. He said, I will go to
20 jail. My whole family would go to jail -- will go to jail.

21 Why does the defendant think he will go to jail,
22 ladies and gentlemen? He thinks he will go to jail because
23 the threats are real. He intends to follow through with them.
24 He intended to deliver to Amina what she thinks are true
25 threats with Shujat.

1 You also know they were real because he makes
2 specific references to prior events, to an event where he had
3 three firings done on people in Media, which Amina testified
4 was another location in Pakistan. And he tells her, *Don't you*
5 *remember that story? I had three firings done on them and I*
6 *won't stop until I kill them.*

7 Ask yourself why is he telling Amina this? He's
8 telling Amina this. We submit, so that she knows this is no
9 joke. He intends to follow through on his actions.

10 And ladies and gentlemen, the final reason why you
11 know that these threats were real, is because two people are
12 dead. Madeeha Asghar and Mohammed Asghar are dead because the
13 defendant intended his threats and he wanted Amina to know
14 that his threats were real.

15 The other -- the next thing I want to address is the
16 defendant's argument or defense counsel's argument that there
17 was a recent game changer in this case. He referenced the
18 soccer game. That sometimes things happen at the last minute
19 that change everything. And what did he show you? He showed
20 you this, Defendant's Exhibit D. Now, let's talk a little bit
21 about this document.

22 Ladies and gentlemen, the only evidence in the
23 record regarding this document is that it exists. We can see
24 that it's dated February 25th as the date of the event, but
25 there's no evidence in the record about when this document was

Rebuttal / Hector

1495

1 created.

2 It purports to be from a Kukatpally police station.
3 And there's a name at the bottom, Mustak Ahmed, subinspector,
4 Police Station Kukatpally. But there's no evidence in the
5 record about how he obtained any of the information therein.
6 Who is the person who told him that, if anyone, that this is
7 the spot where --

8 THE COURT: Is it on, madam reporter?

9 You may continue.

10 MS. HECTOR: Thank you, your Honor.

11 Ladies and gentlemen, looking at Defense Exhibit D.
12 As I was saying, there is no evidence in the record about
13 where this document came from, about who drafted the document,
14 about who provided the information that is associated with
15 spot F. About whether, if anyone, provided that information,
16 it was verified in any way.

17 There is nothing about this document that should
18 cause you to question the clear and unambiguous testimony of
19 Rukhsana Kousar and Seemab Asghar. And there are a couple of
20 other reasons that I want to point out to you, that you know
21 that.

22 I'm showing you -- I'm putting up
23 Government Exhibit 42AB. You heard the testimony of Seemab
24 Asghar. She described that she drew this map. And she put on
25 this map several indications of where important events took

1 place. If we line it up to the map in the police report,
2 you'll notice several things. Seemab puts the bodies here and
3 she puts herself standing with her mother here. And that was
4 based on her clear testimony. She told you when she looked at
5 Government Exhibit 833, that this was the house of Iqbal
6 Patwari. She described it as having a curved front. That's
7 right here. She also described where the bodies were,
8 Government Exhibit 806. And she described that the red door
9 was right about here, next to the bodies.

10 What you should notice about this map, ladies and
11 gentlemen, is that Seemab Asghar also indicated where the
12 house is that their her mother ran and where the house is
13 where she ran. If Seemab Asghar and Ruckhsana Asghar were
14 over here in position F, does it make any sense that they
15 would have run through the shooters towards the people that
16 were pulling their guns facing them to get to the places where
17 they hid? We submit that that makes no sense.

18 There's another thing about this exhibit that the
19 defense counsel mentioned. He wants to believe that this
20 exhibit establishes that Seemab and Ruckhsana Asghar were
21 standing at point F. But at the same time, based on his own
22 defense witness Waqas Ali, he would have you believe that
23 Seemab was on a bus at the same time that this exhibit says
24 she would have witnessed the murders. Ask yourself whether
25 that makes any sense. The defense counsel cannot have it both

1 ways, ladies and gentlemen.

2 The second issue I want to address is the defense
3 witnesses. Let's talk about each of the defense witness and
4 what they said and why we submit their testimony was
5 absolutely not credible.

6 Now, first of all, let's discuss the point of the
7 testimony of Nazia Khanum, Manzoor Ahmed, and Waqas Ali.

8 The point these witnesses attempted to make, what
9 they wanted you to believe was that Seemab and Ruckhsana were
10 not at the scene of the murder and therefore did not see Akmal
11 and Nisar and Babar and Sain Ashfaq and others, the
12 defendant's family and associates at the scene.

13 This is what the witnesses were trying to establish.
14 But we submit that their testimony is not credible and you
15 should not believe it for the following reasons:

16 First of all, think of the testimony of Seemab and
17 Ruckhsana. Those witnesses got up on the stand and they told
18 you details. Seemab Ashfaq told you that she saw her sister's
19 leg shivering. She said that she screamed out and said,
20 father, and that was the point that the assailants turned
21 around and saw her and started taking flight.

22 Ruckhsana told you about the moment that she and her
23 daughter started running and they lost contact with each
24 other. Do you think for one moment that those witnesses got
25 on that witness stand and lied about that? Or are those the

Rebuttal / Hector

1498

1 kind of details that cause you to realize and believe, as we
2 submit you should believe, that these witnesses were
3 absolutely telling you the truth.

4 We submit, that if Seemab and Ruckhsana Ashfaq were
5 trying to lie, their story would have been much better than
6 the story that they testified to. They would have said that
7 they saw Akmal shoot. That they saw the assailants actually
8 shoot their loved ones. But did they say that? No.

9 Let's get back to the defense witnesses in this
10 case.

11 First of all, we submit that anyone who takes an
12 oath and swears to tell the truth and then testifies that he
13 or she has lived in Chiryawala Village their whole life and
14 has never heard of an issue between the defendant's family and
15 Shujat's family, and that Amina and Shujat had -- that they
16 never heard that Amina and Shujat had a relationship, should
17 be discounted immediately. It's such a blatant lie.

18 If a witness cannot get on the stand and testify
19 truthfully about that fact, you should discredit their
20 testimony entirely. That was the testimony of Mazhar Ahmed,
21 the bus driver and Nazia Khanum, who claims to be an
22 eyewitness to the murder.

23 But there are additional reasons why you should not
24 credit their testimony. Let's start with the testimony of
25 Nazia Khanum.

Rebuttal / Hector

1499

1 We submit that Nazia Khanum's testimony was offered
2 for two purposes: First, to say that the two unknown -- to
3 say that two unknown assailants killed Madeeha and Asghar, not
4 the defendant's family and associates.

5 And two, to attempt to establish that Ruckhsana and
6 Seemab are lying and could not have been there to witness the
7 assailants. We submit that Nazia Khanum's testimony
8 established neither of these two things.

9 First of all, her testimony about seeing the two
10 shooters is difficult to believe.

11 Your Honor, I'm sorry, but I'm having a little bit
12 of an issue that requires a bathroom break for two minutes.

13 THE COURT: No, I'm 64 years of age and I feel your
14 pain. So we're going to have that break for five minutes and
15 I'm with you. Okay? Five minutes, restroom break, forgive
16 me. It happens to all of us.

17 MS. HECTOR: Thank you.

18 THE COURT: Okay. Thank you.

19 (Jury exits courtroom at 3:37 p.m.)

20 THE COURT: Okay. We can -- I'm comfortable if
21 everyone is comfortable with the defendant remaining for this
22 two-minute bathroom break.

23 (Brief recess.)

24 THE COURT: All right. Are we ready to bring the
25 jury back in?

Rebuttal / Hector

1500

1 MS. HECTOR: Yes, your Honor. Thank you.

2 THE COURT: Before we do, I want to read you a
3 quote, *History and Culture, the Torch of Freedom*.

4 *The second day of July 1776, will be the most*
5 *memorable Epocha in the history of America.*

6 *I am apt to believe that it will be celebrated by*
7 *succeeding generations as the great anniversary festival. It*
8 *ought to be commemorated as the day of deliverance by solemn*
9 *acts of devotion to God Almighty. It ought to be solemnized*
10 *with Pomp and Parade, with Shews, games, sports, guns, bells,*
11 *bonfires, and illuminations from one end of this continent to*
12 *the other from this time forward forever more.*

13 *You will think me transported with enthusiasm, but I*
14 *am not. I am well aware of the toil and blood and treasure*
15 *that it will cost us to maintain this declaration and support*
16 *and defend these states. Yet, through all the gloom I can see*
17 *the rays of ravishing light and glory. I can see that the end*
18 *is more than worth all the means and that prosperity will*
19 *triumph in that day's transaction, even although we should rue*
20 *it, which I trust in God we shall not.*

21 *John Adams, writer to his wife, Abigail Adams, about*
22 *the significance of July the second, the day in which the*
23 *American patriots agreed to the declaration.*

24 He had it wrong by two days because we celebrate it
25 on the fourth.

Rebuttal / Hector

1501

1 Okay, now we will bring in the jury.

2 THE CLERK: All rise.

3 (Jury enters courtroom at 3:46 p.m.)

4 THE COURT: Thank you for accommodating my comfort
5 means, ladies and gentlemen of the jury. Please be seated and
6 we will continue with rebuttal summation.

7 MS. HECTOR: Thank you, ladies and gentlemen. I
8 want to start where we left off.

9 Defense counsel spent a lot of time in his summation
10 talking about the defense witnesses. And that makes sense.
11 There was a reason why those defense witnesses came in and
12 testified as they did. We submit, that the purpose of their
13 testimony was trying to establish two things:

14 First, they were trying to establish that there was
15 no way that Seemab and Ruckhsana could have been there to see
16 what they saw and what they testified about. And you know why
17 that's important. Because if Seemab and Ruckhsana saw Akmal,
18 Nisar, Babar, Sain Ashfaq, and Mazhar standing over the loved
19 ones of their -- the bodies of their loved ones, with guns
20 pointed, prodding those bodies, that is devastating evidence
21 to the defendant. And it's devastating evidence to the
22 defendant, because those are his family members and
23 associates, and those are the people that he was in contact
24 with in the hours leading up to the murders. So that's one
25 thing that the defense witnesses tried to establish. And I'm

Rebuttal / Hector

1502

1 going to explain to you why they were not credible on that
2 point.

3 The other thing the defense witnesses tried to
4 establish, was that it was two -- and this is Nazia Khanum --
5 was that it was two unknown assailants, not the defendant's
6 family members and associates who committed the crime that
7 day. And I'm also going to take you through and show you why
8 she was not credible on that point as well.

9 Now, first of all, I want you to consider this:
10 Nazia Khanum and Manzoor Ahmed, got up on that witness stand.
11 And when they were asked whether they had ever heard of any
12 sort of issue between Amina's family and the Asghar family,
13 Shujat's family. They said no.

14 When they were asked the question of, did you ever
15 hear that Amina had a relationship with Shujat outside of her
16 marriage? They answered no. And you know that that testimony
17 was not credible for the following reasons: Nazia Khanum made
18 it absolutely clear, she said multiple times, gossip spread
19 quickly in the village. She said by the next morning everyone
20 knows what happened the night before.

21 So for Manzoor Ahmed and for Nazia Khanum to get up
22 on that witness stand and lie about that essential point,
23 about that point that is so connected with the testimony they
24 were about to give, about the defendant and the defendant's
25 family members, then they are not credible on any of those

1 issues.

2 If a person can take that witness stand and give
3 such a blatant lie to this court, they are not to be credited.
4 But there are other reasons they are not to be credited as
5 well and I'm going to go through them. Let's start with Nazia
6 Khanum.

7 Again, her testimony was offered for two purposes.
8 One: To say that it was two unknown assailants who attacked
9 Madeeha and Ashfaq.

10 And two, to say that Seemab and Ruckhsana could not
11 be at the scene, we submit that her testimony established
12 neither of these things.

13 First of all, her testimony about the shooters. We
14 submit that their testimony about the shooters is difficult to
15 believe. She said that she saw the shooters from a distance
16 of 30-meters. Ladies and gentlemen, 30-meters is 98 feet.
17 Think about how far 98 feet is. That was her testimony. That
18 was the distance she was from the shooters when she claimed to
19 be able to see their faces and claimed to be able to say that
20 they were not people from her village. Is that credible from
21 100 feet?

22 And you could tell because when asked to describe
23 the assailants, her testimony vague. They were 30 to 35 years
24 old. They didn't have facial hair. They just looked like
25 Pakistani men, that's all she could tell you. That testimony

Rebuttal / Hector

1504

1 is not credible.

2 She also told you, that when she saw the shooters
3 firing, Ruckhsana and Seemab were not there. But of course
4 they weren't there. You heard the testimony of Ruckhsana and
5 Seemab. They will told you. They weren't at the scene to see
6 the actual firing on their family members. They arrived just
7 thereafter. So that testimony from Nazia, it does nothing.

8 The second thing Nazia Khanum tried to establish, is
9 that Ruckhsana didn't arrive at the scene until long after the
10 murders. And she did this by attempting to establish the
11 following: Remember what she said. She said that when she
12 saw the shooters, she huddled against a wall, put her head to
13 the wall because she was so afraid, and waited it out. Then
14 when the shooting stopped, she walked back, away from the
15 scene of the murders, until she finally sat down in a doorway
16 to compose herself.

17 She said that it wasn't until she composed herself
18 and people came out of the building and started talking in
19 milling about, it's at that point is when she finally decided
20 to walk back towards the scene of the crime until she
21 approached where the shooting happened. And then she told you
22 what she did next. She said she went up to her rooftop and
23 watched the rest of the scene from her rooftop, where she saw
24 police officers come out.

25 And what did she say? She said at that point she

Rebuttal / Hector

1505

1 saw Rukhsana and Rukhsana had no scarf on her head.
2 Remember that testimony. That testimony is key for the
3 following reasons: The reason we submit that not -- that
4 Nazia Khanum told you that Ruckhsana had no scarf on her head,
5 is because she wanted you to draw the conclusion that that
6 must mean that Ruckhsana was at home when the shooting took
7 place. And she ran out of her home to come to the scene of
8 the shooting so quickly, that she didn't have time to put the
9 dupatta on her head.

10 And Nazia Khanum told you, that's unusual. Women in
11 the village wear that dupatta when they come out of the house
12 and that's consistent with what other witnesses told you. And
13 so by stating that, Nazia was trying to make the point that
14 Ruckhsana could not have been at the scene because she had no
15 scarf on her head.

16 But ladies and gentlemen, you know why Ruckhsana had
17 no scarf on her head. She had no scarf on her head not
18 because she ran out of the house so quickly that she didn't
19 have time to put a scarf on. She had no scarf on her head
20 because she testified that when she came out of hiding, after
21 the murders had happened, after she'd been hiding in someone's
22 house for some period of time until she heard the police came,
23 someone took the scarf off of her head and put it over Ashfaq
24 face. Her husband's face. And it's not surprising that
25 someone did that, because Ruckhsana told you her husband was

Rebuttal / Hector

1506

1 missing half his face.

2 This is in evidence as Government Exhibit 806, and
3 it's a little less than clear on that screen, but if you look
4 on your screens, you'll see the scarf that Ashfaq had over his
5 head. Take a look at that scarf. Take a look at the pattern
6 on that scarf and I'm going to show you something else.

7 This is Government Exhibit 811. Rukhsana testified
8 that this picture was taken at the funeral of her daughter and
9 her husband the day after the murders. Take a look at the
10 pattern on her dress. Ladies and gentlemen, that's the same
11 pattern that's on this picture from the day of the murder,
12 806, over Ashfaq's head. That's what happened to Ruckhsana's
13 scarf. So when Nazia Khanum tried to make that leap for you,
14 that's what she was doing. It's not credible. And Nazia
15 Khanum was not credible for a couple of other reasons. Think
16 about how she answered the questions that she was asked, and
17 the transcript will be in evidence. If you want to look back
18 at it, you can do so.

19 But I submit to you, that if you look even at her
20 testimony about that scarf and about seeing Rukhsana, you'll
21 see that Nazia Khanum, we submit, is more than willing to draw
22 conclusions and testify about them without actually having
23 seen it. At the beginning of her testimony when she was being
24 asked questions by the defense counsel, she was asked about
25 seeing Rukhsana come out of the house without a scarf on her

Rebuttal / Hector

1507

1 head and she said I saw a lady hand her a scarf. She actually
2 used the words, I, when asked, I saw that all. And then later
3 on cross-examination she suddenly changed her testimony and
4 she said that she didn't see a woman hand Rukhsana a scarf,
5 she only said that when we asked her, Well, who did you see
6 her hand her her scarf. Nazia Khanum said, I didn't actually
7 see someone hand her her scarf. And she said the following:
8 It's obvious that that's what happened.

9 Ladies and gentlemen, that is very meaningful. That
10 is evidence that Nazia Khanum is willing to draw conclusions
11 and to say things that she did not actually see under sworn
12 testimony. And we submit that that's what you should think
13 about when she was asked all those questions about police
14 bringing Seemab and bringing Nayab to the scene of the crime.

15 When she was asked those questions, she made clear
16 the police must have brought them. You should question
17 whether she actually saw a police officer bring Seemab to the
18 scene, because that is not credible and it is not consistent
19 with the testimony of Seemab and Rukhsana or with Nayab, who
20 told you that when she came to the scene of the crime, what
21 did she see? She said she saw her sister sitting between the
22 two cots with the dead bodies of her mother -- of her father
23 and her sister. And again, isn't that consistent with
24 Government Exhibit 821? That's the picture that Nayab saw.
25 It happens to have been caught on a photograph when Nayab

Rebuttal / Hector

1508

1 arrived after having been brought by a police officer to the
2 scene of the crime where her sister and her mother had just
3 witnessed the end of the incident.

4 Now let's talk about Manzoor Ahmed, the bus driver.
5 Again, like Nazia Khanum, Manzoor Ahmed's testimony was
6 offered to you for one specific purpose. His testimony was
7 offered, we submit, to establish that Seemab Ashfaq could not
8 have been at the scene of the crime because she was on a
9 school bus at the time.

10 Ladies and gentlemen, that testimony from Manzoor
11 Ahmed was not credible, and let me take you through the
12 reasons why you know it wasn't credible.

13 Remember what Seemab told you about that van that
14 took her to school. Now, defense counsel made a big deal
15 about public versus private. Ladies and gentlemen, that's a
16 red herring. Seemab didn't say that it was a public bus that
17 she took to school. She explained to you that it's public in
18 the way that anyone can get on the bus, not just school
19 children. Anyone can get on the bus who's traveling anywhere
20 from Gujrat to Bhimber. It's a regular bus that makes the
21 stops and you just have to let the bus driver know when you
22 want to get off.

23 Seemab also explained to you that it's a privately
24 owned van; that individuals who own vans can get permission to
25 drive along that route and pick up passengers and pick up

Rebuttal / Hector

1509

1 fares and operate as though it's a public bus. But Seemab
2 didn't say it was a public bus. It's a private van. That's
3 not an inconsistency. And what else did Seemab tell you about
4 the van she took to school? She said anyone in the community
5 can get on. She said she didn't take the same van every day.
6 She said she just stood in line and took the next van that
7 happened to come when she was ready to either go to school or
8 come home from school.

9 Seemab explained to you that 20 people fit on the
10 van. But she said, you know, in Pakistan a lot of people
11 squish on, so sometimes there would be more than 20. But she
12 described, I think, as four rows of seats. She described to
13 you that there was -- there's another person who stands on the
14 van and collects the fares, in addition to the person who is
15 driving the van. She explained to you that she doesn't know
16 any of the van drivers by name. And when asked that question,
17 we submit that her demeanor was absolutely credible. Her
18 demeanor was like, I don't know the van drivers. It was like
19 asking someone if a bus driver on a Manhattan bus is going to
20 know who you are.

21 She explained it's people from different villages
22 that drive those buses, the vans. The people don't know me.
23 And she also testified that none of them know her by name.
24 And that when she gets off the bus every day after school, her
25 mother picks her up.

Rebuttal / Hector

1510

1 Seemab also explained to you that she doesn't have a
2 regular schedule at school. She goes in in the morning around
3 the same time every day, but she leaves anywhere between 1:30
4 and 3:30 p.m., depending on her schedule. And that's makes
5 sense. She's in college. She explained that to you. And
6 that testimony was absolutely credibility. There is no reason
7 why Seemab Ashfaq would get on that stand and tell you a whole
8 host of lies about the van that she takes to school every day.

9 But what Seemab Ashfaq told you about that van that
10 she took to school, was diametrically opposed to what Manzoor
11 Ahmed describes about the school bus that he drove.

12 And ladies and gentlemen, Manzoor Ahmed took the
13 stand. You saw his demeanor. He's a school bus driver. He
14 drives school kids to school every day. He doesn't drive a
15 bus that anyone in the public can get on and off and take to
16 various stops along Gujrat to Bhimber. He said he collects
17 all the children in Chiryawala, all the kids on the bus, 50
18 kids, 50, not 20, get on his bus. And he drives them all to
19 Bhimber, without stopping anywhere on the way. And then he
20 drops the kids off at six or so different schools, once he
21 gets to Bhimber.

22 He explained to you it's the same children each day.
23 Everyone gets picked up at the same time, 7 a.m. I gather all
24 the kids in Bhimber around two, before heading back to
25 Chiryawala. I get to Chiryawala around 3:15. That's not the

Rebuttal / Hector

1511

1 bus that Seemab was describing. It's nothing like the bus
2 that Seemab was describing.

3 Manzoor Ahmed also told you none of the kid's
4 parents meet them to walk home. And then Manzoor Ahmed told
5 you something that I submit is very, very telling, and is one
6 fact that even standing alone tells you, that Seemab did not
7 ride that bus that Manzoor Ahmed is describing as his bus.

8 What did he tell you about what Seemab Ashfaq wears
9 to school? I asked the question and he was very explicit
10 about it. He said, she wears a uniform. The uniform of the
11 college that she goes to. And when he was asked what that
12 uniform was, what did he say? He said it was white. She
13 wears a white uniform.

14 Ladies and gentlemen, the documentary proof, the
15 photographs that are in evidence of that day of that murder
16 prove to you conclusively that Manzoor Ahmed did not drive
17 Seemab on that day.

18 This is Government Exhibit 821. Seemab told you
19 that's her, sitting between the bodies of her father and her
20 sister. Is she wearing white? She's not even wearing
21 anything that could be mistaken for white. She's wearing
22 black. That's how you know that Manzoor Ahmed was not telling
23 the truth when he told you that Seemab Ashfaq was on his bus
24 that day.

25 Now, we submit that there's a number of reasons why

Rebuttal / Hector

1512

1 Manzoor Ahmed might have come here, flown all the way from
2 Pakistan and lied on the witness stand. You heard him
3 testify, he's illiterate. He's a laborer. He drives a school
4 bus. I think it's pretty obvious that he's a man of simple
5 means. And in Chiryawala the Choudhries are very powerful.
6 Think about that. Think about also what Manzoor Ahmed told
7 you he knows about the defendant's family and about Amina.
8 Because that also was very telling.

9 When I asked him about Amina and Shujat, first he
10 denied knowing anything about a relationship between them.
11 Well, you know that wasn't true. Because two seconds later he
12 said of Shujat, he did the wrong thing. She was a married
13 woman and he should not have taken her away like that. That's
14 what he said. He, Shujat, did the wrong thing. She, Amina,
15 was a married woman and he should not have taken her away like
16 that.

17 Ladies and gentlemen, that shows you that's a motive
18 to lie. Manzoor Ahmed thinks that Shujat did wrong. He did
19 wrong to a very powerful family in Chiryawala.

20 Another interesting thing that I just want to note
21 that Nazia Khanum and Manzoor Ahmed told you, they both told
22 you that since the day of the shooting they have not seen
23 Akmal, they have not seen Nisar, Amina's husband -- Amina's
24 husband's father, or Babar, Amina's husband's brother. Isn't
25 that consistent with the testimony of Waqas Ali, even of

Rebuttal / Hector

1513

1 Rukhsana going to the houses after the murder of her husband
2 and her daughter? We submit that they're not to be found
3 because they're in hiding. And hiding, ladies and gentlemen,
4 is conscious of guilt.

5 Finally, I want to talk a little bit about Waqas
6 Ali, the police officer. Now, Waqas Ali may have been the
7 person that picked Nayab up from school. But Waqas also
8 testified about something else. He testified the same issue,
9 the same issue that I submit Nazia and Manzoor Ahmed testified
10 not credibly about. Waqas Ali added to the mix. He said,
11 after -- after picking Nayab up, after picking Nayab up and
12 bringing her to the scene, I then went and picked up Seemab
13 from a bus.

14 Presumably what he would have us believe is that
15 that bus was the bus that Manzoor Ahmed was driving. Now, we
16 submit that that's not credible, not only for the same reasons
17 that I just discussed with respect to Manzoor Ahmed, but for
18 an additional reason as well.

19 First of all, to believe Waqas Ali on this point,
20 you have to also believe Manzoor Ahmed. We submit that it is
21 very clear for a number of reasons, most notably the color of
22 Seemab's clothing that Manzoor Ahmed is lying on on that
23 point. So if you believe Manzoor Ahmed is lying on that
24 point, then it means Waqas Ali is also lying.

25 But remember another thing that Waqas Ali told you.

Rebuttal / Hector

1514

1 He told you very specifically that between the murder scene
2 and the bus stop where he went to pick up Seemab Ashfaq, it
3 took him four minutes to walk. Four minutes.

4 Ladies and gentlemen, that is consistent --
5 completely inconsistent with Seemab Ashfaq. Seemab Ashfaq
6 told you very clearly, as did Rukhsana, that it takes about a
7 half an hour, a half an hour, not four minutes, to walk from
8 the bus stop to their house. And you know that not only
9 because Seemab told you but because she showed you on the maps
10 why that was the case.

11 Ladies and gentlemen, this is exhibit -- Government
12 Exhibit 34. And you could see this. You could look at
13 Seemab's testimony in the record, if you wish. But I submit
14 to you, and you can check this, that Seemab Ashfaq explained
15 that there are two areas of Chiryawala. One on the left, one
16 on the right that has buildings and such. And Seemab Ashfaq
17 explained to you that the buses go along this yellow road, and
18 that's where her bus dropped her off. And she testified that
19 her house is in this area.

20 And then if you look at Government Exhibit 40, which
21 is a blowup of -- and you can tell by looking at this little
22 red house right here, red house, or red square, she testified
23 that this is her house. I'm circling it right here. And
24 she -- she identified it by the oval roof that her house has.

25 Ladies and gentlemen, looking back at Government

Rebuttal / Hector

1515

1 Exhibit 34, that's over here. So Seemab Ashfaq was explaining
2 that it takes a half an hour to walk from here all the way
3 over to here. Waqas Ali's testimony that he walked four
4 minutes to pick up Seemab is simply not credible. And not
5 only -- think about what you would have to believe that Waqas
6 Ali is telling you the truth about that. You'd have to
7 believe that Waqas Ali is telling you the truth and Seemab,
8 Rukhsana, and Nayab are all lying about the events of that
9 day.

10 You'd have to believe that Seemab didn't see what
11 she told you she saw when she saw Akmal and Nisar and Sain
12 Asghar and Babar standing over the bodies of her loved ones
13 with guns. You'd have to believe that Rukhsana was making it
14 up when she said that she and her daughter approached the
15 scene and came upon that grizzly murder.

16 And you'd have to believe that Nayab came in, and
17 when she told you about the story, about hearing at her school
18 from her friend that her father was killed and a police
19 officer came and took her to the scene and described seeing
20 this, that she was lying. Because according to Waqas Ali, he
21 picked Nayab up and brought her to the scene before he picked
22 Seemab up.

23 Ladies and gentlemen, we submit that the testimony
24 of those three witnesses, all of whom were geared towards
25 establishing that particular point, is not credible.

Rebuttal / Hector

1516

1 Defense counsel also made the point that maybe
2 someone else killed Ashfaq and Madeeha. Maybe it was a member
3 of the Panchayat. Because maybe a member of the Panchayat was
4 angry that Rukhsana had talked to that person out of turn.
5 That a woman had dared to confront a member of the Panchayat
6 and maybe that's the person that killed Ashfaq and Madeeha.

7 Ladies and gentlemen, that argument makes no sense
8 and I want to take you through the reasons why you know that
9 that argument makes no sense.

10 And it -- that argument comes in a couple of
11 different forms. It's not only the argument that maybe a
12 member of the Panchayat did it, but also this argument that
13 Nazia's testimony should be credited, that maybe two unknown
14 assailants came into the village and committed this. And it
15 makes sense that the defense would argue this. Right?
16 Because in many ways, he has to argue this. Because that's
17 the defense that the defendant even came up with himself on
18 the day of the murders, when he said in that recorded call to
19 Ahmed, maybe someone else did this and made us a part of it
20 and the blame is being thrown on us.

21 Ladies and gentlemen, you know that's not true, and
22 you know it's not true for the following reasons that I'm
23 going to go through right now:

24 First off, just think about what that would mean.
25 The defendant would literally have to be the unluckiest man in

1 the world. He's have to be a man who had an ongoing dispute
2 with the Ashfaq family. Had been making threats against them
3 for years. But more importantly, over the two-month period
4 between when Amina left home, in February 25th, when the
5 threats were getting worst and worst and worst and more
6 serious. He would have to be the guy that was doing that and
7 then lo and behold, someone else swoops in and coincidentally
8 takes care of the problem for him; and not only kills Ashfaq,
9 but kills Ashfaq's daughter too, which is consistent with the
10 defendant's repeated threats to kill all the members of the
11 Ashfaq family.

12 Do you really think that it is possible that someone
13 could be that unlucky? That they're the one making the
14 threats. That they're the one delivering ultimatum to Amina
15 on the phone, four days before the murder, an ultimatum: Come
16 home or else. Think over it with a clear mind, write this
17 down. Call me back and let me know. That happened on
18 February 21st, four days before the murders.

19 Do you really think that that was the ultimatum that
20 the defendant delivered and lo and behold someone else swooped
21 in and killed them four days later? And not only did four --
22 four people -- did people swoop in and kill them four days
23 later, you know that's not true, because it was the
24 defendant's associates and family members that were at the
25 scene. But even taking a side that, there are other reasons

1 why you know that that argument makes absolutely no sense.

2 One of the most damning reasons why we submit you
3 know it was the defendant and the defendant's family and
4 associates who committed this crime and no one else, is
5 because the crime happened at precisely the moment when the
6 threats and the issue was reaching a crescendo. It happened
7 at precisely the moment when the defendant's threats got worst
8 and worst, until he finally delivered the final ultimatum.
9 That's precisely the moment that this event, this murder, this
10 vicious murder occurred. And you know that not only from the
11 consensual recording, but from the phone records. Let's look
12 at the phone records.

13 This is Government Exhibit 722. Well, before we do
14 this, let me just go back to some of the consensual recordings
15 for one second and show you something. I want to make this
16 explicit.

17 This is the defendant's call with his daughter on
18 February 21, 2013, four days before the murders. The
19 defendant says the following thing to his daughter Amina.

20 **Defendant:** Watch then, your --

21 This is when she says she's not coming home.

22 Watch then. Your father will go to jail.

23 **Amina:** Why would you go to jail?

24 **Defendant:** Your father will go to jail.

25 Ladies and gentlemen, we submit that he is saying I

Rebuttal / Hector

1519

1 will go to jail because he knows this is the final straw. He
2 knows that if Ahmed does not come back this time, that's it.
3 This is the threats culminating.

4 **Defendant:** *I will end up in jail because it's*
5 *written in my fate. If it's in your father's fate, neither*
6 *you nor anyone else can stop it from happening.*

7 **Amina:** *Why? What will you do?*

8 **Defendant:** *I will kill each and every one of them.*

9 **Amina:** *But the why? I have told you that they have*
10 *nothing to do with this. I came here on my own.*

11 **Defendant:** *Oh, yeah. That's when he talks to that*
12 *unsuspecting passenger. Thank you. Have a nice night. And*
13 *coldly turns back to his daughter.*

14 *Okay. Now let me make it clear to you.*

15 **Amina:** *Yes.*

16 **Defendant:** *Take note of one thing.*

17 **Amina:** *What?*

18 **Defendant:** *If you don't come back, I will kill each*
19 *and every one of them. I will go to jail. The entire family*
20 *will go to jail. Once they will be killed, then they will*
21 *catch, write it down.*

22 Ladies and gentlemen, this is four days before the
23 murders. The threats are getting -- reaching a crescendo.
24 And one thing I want to point out here that I think is
25 important. Notice what the defendant says: *I will go to*

Rebuttal / Hector

1520

1 *jail. The entire family will go to jail.*

2 Ask yourself what that means. We submit that it is
3 proof of the conspiracy. He puts himself in it. *I will go to*
4 *jail. The whole family will go to jail.*

5 And I connects himself to his other family members
6 who he's directing in this plot to kill Shujat's family
7 members.

8 Now let's look at the phone records, because you
9 know what happens. Ahmed testified she didn't -- she didn't
10 come back home, she didn't call her father back. That was the
11 last words that her father spoke to her. He gave her an
12 ultimatum and she did not go through with it. And so this is
13 what happened.

14 And remember, this is February 24th, in New York,
15 which is early in the morning February 25th in Pakistan, on
16 the day of the murders. The defendant is in his taxicab.
17 He's at the beginning of his shift, his normal overnight
18 shift. In fact, he's two hours and something into it.
19 Hardly -- hardly into his shift. And he gets a call from
20 Nisar or Babar at 10:09 p.m.

21 And just so you know, just so it's clear, the reason
22 that is noted as Nisar or Babar, is for this reason: It's in
23 Government Exhibit 720. In the defendant's phone contacts,
24 this number is noted as Nazia. But it is also the phone
25 number listed for Babar, son of Nisar Ahmed on that I-130

Rebuttal / Hector

1521

1 petition. So we submit to you that this is the phone that is
2 used by either Nisar or Babar, or both. It doesn't matter
3 because they're both at the scene of the murder, they're both
4 involved in this. It's Amina's husband and Amina's husband's
5 father.

6 So what happens? The defendant gets this phone call
7 at 10:09 p.m., it's a nine-minute phone call. And we submit
8 to you, that's the phone call that put the plan into action.
9 That's when the defendant and Nisar/Babar decided, now is the
10 time. Now is the day. We're going to do this.

11 And so what does the defendant do? He's on the
12 phone when he picks up his final taxi fare that night, because
13 that call lasts until 10:18. And then he makes a couple of
14 quick calls and quick succession and drops off that fare at
15 10:32. And then what does he do? We submit he goes home. He
16 doesn't take another fare that night. And think about what
17 Nasreen told you, his daughter. Remember her words?

18 She said that her father usually works the overnight
19 shift, unless he has something he has to do.

20 Ladies and gentlemen, the defendant did have
21 something he had to do that night. And the thing that he had
22 to do was orchestrate the murder of Madeeha and Ashfaq. And
23 so the plan started. And look, my colleague, Mr. Tucker
24 commented on this in his closing.

25 Look at the defendant's phone activity. The

Rebuttal / Hector

1522

1 defendant is now on the phone constantly. And
2 these-less-than-a-minute calls, does that really matter?
3 Think about what that means. Right? Think about in your own
4 life. Think about when you have something huge going on, when
5 something's really important. What do you do? You keep
6 dialing the phone. Right? You're not leaving messages.
7 You're not leaving messages. You just keep calling and
8 calling and calling until people pick up. This phone activity
9 is indicative of that sort of level of involvement and
10 intensity.

11 And you'll notice during the next several hours the
12 defendant's phone activity does not stop. Look at the times:
13 10:19, 10:23 :24, :25, :41, :42. I don't need to name them
14 all for you. Through the 11s. Then we get to 1 a.m. It
15 keeps going. Again, through the ones, the twos, the threes,
16 and then somewhere in here, ladies and gentlemen, is when the
17 murder happens. Somewhere around two -- between two and
18 2:30 p.m. somewhere in there.

19 The defendant is on the phone all night until that
20 happens. He makes -- you can count them, something like 40
21 calls. A number of those calls are with Pakistan. And most
22 importantly, a number of those calls are with people that are
23 at the very scene of the murder, that are standing with the
24 dead bodies of Madeeha and Ashfaq.

25 People like, Nisar and Babar. People like, Mazhar,

Rebuttal / Hector

1523

1 who Rukhsana told you were at the scene. Nisar, Babar again.
2 And this AK number, who we submit, is another coconspirator.
3 And you know that, because it's the same AK number that
4 appears on the phone calls leading up to the
5 January 26th ambush. This is what the defendant is doing
6 minute-by-minute, in the hours leading up to the murder.

7 And then it doesn't stop. He doesn't go to sleep.
8 He stays on the phone. Again -- and you know, you know he's
9 up because you know he's up when Nazia tells you reluctantly
10 that her father was a part of that meeting that happened at
11 6:30 or 7:30 in her house the next morning, when everyone was
12 discussing the murder of Madeeha and Ashfaq.

13 He's talking to Mazhar. He's talking to Javed.
14 He's talking to Nisar, Babar. He's talking to Abid Molbi.
15 Amina testified that Abid Rezar, the important politician, is
16 also known as -- she said, Abid Molvi, M-o-l-v-i. We submit
17 that's the same thing. Molbi, Molvi, same person. He's also
18 talking to Mahmu Fihad. Amina told you who that is. That's
19 Nisar's father.

20 And the calls do not stop until 12:50, when the
21 defendant presumably goes to bed.

22 What do you think the defendant was saying in those
23 calls? We submit that you know exactly what the defendant was
24 saying in those calls because he had been saying it for days
25 and days preceding this on those calls with Amina. They need

Rebuttal / Hector

1524

1 to be killed. I need to protect my honor. I will not rest
2 until they're all dead. But before going to sleep, he gets
3 that call from Amina at 11:32 a.m. I'm sorry, 11:43 a.m. And
4 the content of that call is another reason why you know the
5 defendant was involved. Not only involved but orchestrated
6 the murder of Madeeha and Ashfaq. Let's talk about his words
7 during that call.

8 And it's in Government Exhibit 106. The first thing
9 he says when Ahmed asked, what have you done?

10 *What?*

11 *There?*

12 *What we had done?*

13 ***Amina:*** *Do you know what you have done with them?*

14 ***Defendant:*** *What should have been done?*

15 ***Amina:*** *Have you done this?*

16 ***Defendant:*** *What should have been done?*

17 And what's interesting about that is, you know the
18 defendant already knows what's been done. Because Nasreen
19 told you, hours before this call at 6:30 or 7:30 there was a
20 family meeting, when the defendant was talking about what had
21 happened. So he knew they were murdered.

22 So ask yourself why he's acting dumb about it to
23 Amina. And then Amina says, *I told you, I will come back and*
24 *was thinking about it, and you --*

25 And the defendant said, *Come back home right now.*

Rebuttal / Hector

1525

1 *We will be spared. Just come. It's final.*

2 *Those are the defendant's words. It's final.*

3 *What's final? He knows exactly what's final.*

4 *Then he claims to be sleeping. Oh, I did not kill.*

5 *We did to the kill. You should have just come home.*

6 *Then who killed them?*

7 *How do I see I know? I was sleeping.*

8 *You now that's a lie. You know that from the phone*
9 *calls. The defendant has been up since he got that phone call*
10 *at 10:09 the previous night from Nisar and Babar. And then*
11 *the defendant says, I did not kill them. Why do you keep*
12 *repeating the same thing, that I killed him. Even if I did*
13 *kill him, isn't a person supposed to kill that being, when he*
14 *finds out that his daughter ran away because of him?*

15 *We submit that that statement is very telling. Even*
16 *in the mist of his false denials, he can't help himself. Even*
17 *in the mist of those denials, the truth comes out. Even if I*
18 *did, isn't a person whose daughter runs away supposed to?*
19 *That's a very telling comment. And then he says something*
20 *else that's even more telling.*

21 *He says, Think about it. In the next 24 hours call*
22 *me, wherever you are. If you are close by, I will pick you*
23 *up. If you are far away, I will send you airfare. Come back.*

24 *Amina: What will you do after another 24 hours?*

25 *Defendant: After 24 hours, something else will*

1 *happen. Another person will be gone. Is he coming today?*

2 ***Amina:*** *How do you know that he came?*

3 ***Defendant:*** *Because he has to attend his father's*
4 *funeral in the morning. He will not return home after the*
5 *funeral. Okay?*

6 ***Amina:*** *You killed his father because you knew he*
7 *would come to his father's funeral and then you can kill him.*

8 Ladies and gentlemen, ask yourselves, does that
9 sound like an innocent person? Does an innocent person take
10 that very opportunity to say to his daughter, another person
11 will be killed?

12 Ladies and gentlemen, we submit that you know that
13 the world just doesn't happen in the way that the defense
14 counsel is suggesting it does. The world just doesn't happen
15 where the person who's threatening these people, the person
16 who's delivering these ultimatums, the person who is on the
17 phone all night with the very people that are at the scene of
18 the murder, standing over the dead bodies of Madeeha and
19 Ashfaq, it's not a coincidence. He planned it, he
20 orchestrated it, and the evidence proves it.

21 There are a couple of other reasons that I just want
22 to add and talk to you about, that establish that the
23 defendant was directly involved in this. The defendant was
24 planning it and he was the impetus behind it. Again it's his
25 own words. It's words like, I will go to jail. It's words

Rebuttal / Hector

1527

1 I like, I have been searching for Shujat for two months and I
2 have not been able to find him. It's words like, I will go to
3 Pakistan to do this myself.

4 (Continued on the next page.)
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1 REBUTTAL SUMMATION (continued)

2 BY MS. HECTOR:

3 MS. HECTOR: I want to talk a little bit about some
4 of the other arguments that defense counsel raised, especially
5 with respect to some of the witnesses. He said that, he made
6 the argument that it's awfully convenient that Rukhsana and
7 Seemab just happened to overhear the conversations that they
8 overheard. Think back to their testimony, think back to what
9 they told you. Did they appear to be exaggerating and making
10 things seem worse than they actually were, or did they appear
11 to be telling you their honest recollections of what happened?
12 Think about what Seemab told you about the conversations she
13 overheard.

14 Think about when Javed came to the house the day
15 after the shooting in Barnala, the shooting on the vehicle,
16 and he came in and he was on the phone with Afzal and Afzal
17 talked and then Ajmal got on the phone. Think about what
18 Seemab said when we asked: How did you know that Ajmal got on
19 the phone, what did she say? She said: My father said is
20 this Ajmal? And we asked: Did he respond? And she said:
21 No, but he just kept talking. What is that indicative of?
22 Did she say oh, he did, he said oh, yes, this is Ajmal, or did
23 she accurately say well, no, he didn't respond, but he didn't
24 deny it either? That's emblematic of someone who's telling
25 the truth, not someone who's trying to make things seem worse

Rebuttal - Hector

1529

1 than they are.

2 I'd like to spend a minute and talk about the I-130
3 petition.

4 THE COURT: How much longer do you have?

5 MS. HECTOR: About 15 minutes, your Honor.

6 THE COURT: All right. At the end of this, I'm
7 going to send the jury home for the day and we can have the
8 jury charge tomorrow. I had hoped to do it today, but given
9 the lateness of the hour, it's not fair to the jury to
10 continue beyond that. So I just want the jury to continue to
11 hang in there. I appreciate your time and attention and I'm
12 going to give the prosecutor the additional 15 minutes and
13 with we're going to wrap you up at five o'clock, that's when
14 you're going to be done.

15 MS. HECTOR: Certainly, Your Honor.

16 THE COURT: Then we will have the charge tomorrow.
17 Given the fact it's the eve of the holiday, I'd like to start
18 tomorrow at 9:00 a.m., if that's acceptable to you, members of
19 the jury, and I would appreciate it we'll start promptly at
20 9:00 a.m. We'll start with the jury charge and then you'll go
21 right into your deliberations.

22 Go on.

23 MS. HECTOR: The defense also made an argument about
24 the I-130, and we submit that this argument should be
25 dismissed by you outright. Think about what he said. He

Rebuttal - Hector

1530

1 said: The defendant's not guilty of making a false statement
2 on the I-130 either because, one, he mentioned that Amina
3 admitted lying to federal agents about her relationship with
4 Shujat and the fact that she was communicating with Shujat
5 during their interviews, and ask yourself what does that mean?
6 Because Amina lied in one case, which she admitted to you, and
7 makes sense we submit, the defendant should get a pass for a
8 lie on an I-130 form? That makes no sense.

9 He also made the argument that it's just not a big
10 deal. Ladies and gentlemen, that argument is offensive. We
11 submit it is a big deal to lie on an I-130 petition. Officer
12 Morrell came and testified, she told you why it's important
13 that people put accurate information on I-130s, and that
14 should be obvious why. It's important to the U.S. government
15 to know information about the person that's petitioning for
16 someone to come to the United States and information about the
17 person who wants to come to the United States pursuant to such
18 petition. It's important that the government know that so
19 that they can perform their jobs, and the information that's
20 put in that I-130 petition is material to that determination.
21 It matters to them if someone lies. It matters if someone
22 lies about where they've been living for the last five years.
23 It matters to them, most importantly, if the person who
24 purports to sign that document is not the person who is
25 purporting to submit that petition. Miss Morrell explained to

Rebuttal - Hector

1531

1 you the reason that it's important to us that the person who
2 submits that petition is the person that actually signs is
3 because that person is attesting to the accuracy of the
4 information contained on that I-130 petition. That's why it's
5 a big deal, because it matters to the government who comes
6 here and that they can adequately check those documents before
7 someone's permitted to come here.

8 No one is above the law. The defendant is not above
9 the law. No one's arguing that this is a marriage fraud or --
10 the issue is did the defendant falsely submit an I-130
11 petition. He admitted it during his post-arrest statements.
12 He said: I filed that petition. His daughter Nasreen,
13 whether she signed it, which we submit she's the actual
14 signatory, it was at her father's direction. We submit that
15 that's clear. That makes him guilty of the crime. When you
16 go back to the jury box, look at the instructions of what
17 makes you guilty of that crime. The defendant is guilty of
18 that crime, and you should find him guilty of that crime.

19 A few other quick points.

20 Defendant said that it was strange that Rukhsana and
21 Seemab moved towards the shots when they heard them. It
22 wasn't strange. Think about what you would do. As jurors,
23 you bring your common sense and your experience to your role
24 as jurors. If you knew that your family members were the
25 targets of threats and violence, something that the defendant

Rebuttal - Hector

1532

1 even admitted to in one of the taped recordings, he said to
2 Amina when she confronted him about that January 26th
3 shooting: I will continue to shoot at them. If you knew
4 that, if you knew that your family members were the subject of
5 threats and you saw them pass and then you heard gunfire,
6 wouldn't you run towards it? Wouldn't you want to see if
7 they were okay?

8 Ladies and gentlemen, in the end, what this case
9 comes down to is the tapes and the testimony of the witnesses.
10 Listen to those consensual recordings. Those recordings
11 reveal what is often the hardest thing to prove in a murder
12 conspiracy case and that is the defendant's intent. Here the
13 defendant's intent is unmistakable: Until I find you, I won't
14 stop. Until I find you, nothing is going to stop. I'm going
15 to kill their entire family. And you know he was serious.
16 You know these were not idle threats. He was so serious that
17 he wanted Amina to know it. That's why he said when she
18 confronted him about the first shooting: I will continue to
19 shoot. He wanted her to know "I've done it and I will keep
20 doing it." And he did continue to shoot. He continued to
21 shoot until Madeeha and Asghar lay dying. He and his family
22 members did that. He directed it and it happened. He made a
23 promise to his daughter and he kept it, and because of that
24 promise, that promise to protect his honor at all costs, two
25 people are dead. His honor was more important than their

Rebuttal - Hector

1533

1 lives.

2 Asghar will never see his daughters marry. He won't
3 get to grow old with his wife Rukhsana. Madeeha, just in her
4 20s, will never have the life that she was intended to. He
5 took away everything she was and everything she would be.
6 He's guilty. Convict him of these crimes.

7 Thank you.

8 THE COURT: Members of the jury, you will recall my
9 preliminary instructions to you when you were first selected
10 and sworn in as jurors. I stated that once all the witnesses
11 have testified and everything that must be admitted into
12 evidence is admitted, each side will present a closing
13 argument. You've just heard those closing arguments. I will
14 then as a court give you detailed instructions on the law as
15 you are to apply it in this case. You will then retire to the
16 jury room, which as you know is conveniently located right
17 behind this courtroom. So tomorrow when you come in at 9:00
18 a.m., I will go right to the jury charge. There will be no
19 more argument from counsel. You will get the charge that I
20 present to you, and then you will begin your deliberations
21 right after that at 9:00 a.m. tomorrow.

22 I again urge you, I know it's late, I know it's
23 tempting, do not talk with each other about the case. Do not
24 read anything about the case. I'm going to give you your
25 charge tomorrow and then you are the real jury. As I told you

Rebuttal - Hector

1534

1 in the beginning, you are the ones who will make the very real
2 decision.

3 Have a good, sound, restful evening. I will see you
4 here tomorrow at 9:00 a.m. sharp. We will go right to jury
5 charge.

6 (Jury exits the courtroom.)

7 THE COURT: All right. Ladies and gentlemen, the
8 jury has left the courtroom.

9 Do we have any procedural issues to address?

10 MR. TUCKER: Not from the Government, your Honor.

11 MR. SOSINSKY: No, sir.

12 THE COURT: Have a good evening. We'll see you
13 here. We'll start promptly at 9:00 a.m.

14 (Time noted: 4:47 p.m.)

15

16 (Whereupon, the proceedings were adjourned to
17 July 3, 2014, at 9:00 a.m.)

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25

I N D E X

PAGE

SUMMATION BY

MR. TUCKER

1377

SUMMATION BY

MR. SOSINSKY

1435

REBUTTAL SUMMATION

BY MS. HECTOR

1491

E X H I B I T S

Court's Exhibits 5A and 6A

1346

Defendant's Exhibit D

1376

\$	16 [1] - 1381:12 163 [1] - 1396:10 164 [1] - 1397:10 17 [1] - 1377:22 1776 [1] - 1500:4 17th [1] - 1417:19 1850s [1] - 1370:3 19 [2] - 1382:6, 1388:6 1:30 [8] - 1395:2, 1395:5, 1447:22, 1449:6, 1449:17, 1454:14, 1510:3 1:35 [3] - 1395:5, 1449:6, 1454:15 1A [1] - 1465:10	1414:11, 1414:13, 1414:23, 1414:25, 1415:4, 1418:18, 1418:25, 1426:20, 1475:18, 1481:21, 1523:5, 1532:2 27 [2] - 1409:3, 1418:4 271 [1] - 1344:15 29 [1] - 1408:24 2:00 [1] - 1448:12 2:05 [1] - 1448:13 2:10 [1] - 1448:13 2:30 [4] - 1446:17, 1449:8, 1455:15, 1522:18 2:48 [1] - 1417:6
\$200 [1] - 1471:22 \$600 [1] - 1477:6 \$800 [1] - 1471:22 \$900 [3] - 1421:12, 1455:13, 1477:6		
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'10 [1] - 1479:1 '11 [1] - 1479:2		
1	2	3
1 [4] - 1423:12, 1423:14, 1424:6, 1522:14 1-130 [1] - 1460:22 10 [4] - 1415:13, 1448:10, 1459:8 100 [1] - 1503:21 1000 [1] - 1421:11 10006 [1] - 1344:20 101 [4] - 1390:20, 1426:1, 1427:18, 1427:22 102 [3] - 1391:9, 1427:18, 1427:22 103 [2] - 1392:8, 1427:19 104 [1] - 1392:20 105 [5] - 1378:12, 1393:15, 1394:6, 1408:6, 1410:6 106 [7] - 1398:21, 1405:2, 1405:10, 1419:12, 1426:1, 1427:20, 1524:8 106-F4 [1] - 1419:15 10:09 [4] - 1418:9, 1520:20, 1521:7, 1525:10 10:18 [1] - 1521:13 10:19 [1] - 1522:13 10:23 [1] - 1522:13 10:32 [3] - 1417:8, 1418:8, 1521:15 11201 [1] - 1344:16 114 [1] - 1415:14 11:32 [1] - 1524:3 11:42 [1] - 1398:17 11:43 [2] - 1419:7, 1524:3 11s [1] - 1522:14 129 [1] - 1389:5 12:50 [2] - 1418:10, 1523:20 12:53 [1] - 1433:14 13-CR-150 [2] - 1344:3, 1345:3 1346 [1] - 1536:4 1376 [1] - 1536:6 1377 [1] - 1535:5 14 [2] - 1419:8, 1459:8 140 [1] - 1447:16 1435 [1] - 1535:8 1491 [1] - 1535:11 15 [5] - 1408:25, 1433:12, 1448:10, 1529:5, 1529:12 15-minute [2] - 1433:7, 1433:19 15th [4] - 1390:17, 1403:8, 1422:6, 1427:9	2 [1] - 1344:7 20 [10] - 1447:16, 1447:24, 1448:7, 1448:9, 1448:17, 1449:6, 1454:15, 1509:9, 1509:11, 1510:18 2008 [1] - 1464:1 2009 [3] - 1408:24, 1408:25, 1479:1 201 [1] - 1408:21 2011 [1] - 1465:21 2012 [10] - 1409:2, 1409:3, 1418:5, 1424:6, 1465:23, 1466:8, 1466:11, 1466:19, 1466:25, 1467:9 2013 [18] - 1378:11, 1384:18, 1386:17, 1390:17, 1393:13, 1404:11, 1409:5, 1412:19, 1414:11, 1415:9, 1436:14, 1439:12, 1439:22, 1469:4, 1480:4, 1483:14, 1518:18 2014 [2] - 1344:7, 1534:17 202 [1] - 1408:22 203 [1] - 1408:22 204 [1] - 1408:22 20s [1] - 1533:4 20th [4] - 1391:1, 1391:8, 1392:16, 1427:12 21 [2] - 1377:24, 1518:18 21st [5] - 1378:10, 1393:13, 1416:12, 1421:6, 1517:18 22 [2] - 1377:23, 1399:7 22nd [1] - 1474:25 24 [9] - 1351:15, 1399:1, 1399:3, 1399:4, 1522:13, 1525:21, 1525:24, 1525:25 24-hour [1] - 1415:12 24th [6] - 1415:13, 1416:11, 1417:7, 1418:7, 1475:1, 1520:14 25 [11] - 1404:11, 1414:11, 1415:9, 1447:16, 1447:24, 1448:7, 1448:9, 1448:17, 1449:6, 1454:15, 1522:13 25th [21] - 1386:16, 1398:18, 1404:3, 1405:10, 1412:12, 1414:16, 1415:13, 1418:17, 1419:1, 1419:12, 1422:9, 1426:23, 1427:9, 1429:2, 1436:14, 1439:22, 1475:1, 1483:14, 1494:24, 1517:4, 1520:15 26th [19] - 1386:24, 1387:20, 1389:21, 1390:13, 1391:6, 1400:11, 1400:25,	3 [3] - 1391:9, 1428:5, 1534:17 30 [1] - 1503:23 30-A [1] - 1421:13 30-meters [2] - 1503:16 30th [1] - 1344:19 33 [1] - 1417:17 330 [1] - 1418:23 331 [1] - 1418:23 34 [2] - 1514:12, 1515:1 3454 [1] - 1419:9 35 [1] - 1503:23 39 [1] - 1417:5 3:15 [1] - 1510:25 3:19 [1] - 1490:21 3:30 [1] - 1510:4 3:37 [1] - 1499:19 3:46 [1] - 1501:3 4 4 [1] - 1391:9 40 [2] - 1514:20, 1522:20 405 [1] - 1424:18 41 [1] - 1522:13 42 [1] - 1522:13 42A [3] - 1438:1, 1440:7, 1449:18 42AB [1] - 1495:23 45 [2] - 1344:19, 1471:16 4:02 [1] - 1417:21 4:47 [1] - 1534:14 4th [1] - 1468:5 5 5 [1] - 1390:20 50 [2] - 1510:17, 1510:18 501 [5] - 1423:25, 1424:6, 1424:22, 1425:13, 1467:17 502 [1] - 1382:24 503 [2] - 1382:25, 1424:17 504 [1] - 1424:20 516 [1] - 1383:19 5A [4] - 1345:22, 1346:2, 1346:3, 1536:4 5th [1] - 1421:8

<p style="text-align: center;">6</p> <p>6 [1] - 1394:6 6,000 [2] - 1401:11, 1437:11 602 [2] - 1417:17, 1417:18 606 [1] - 1417:2 613-2596 [1] - 1344:23 613-2648 [1] - 1344:23 624 [1] - 1404:9 64 [1] - 1499:13 687 [1] - 1409:14 6:30 [2] - 1523:11, 1524:19 6A [4] - 1345:22, 1346:2, 1346:3, 1536:4</p>	<p>1477:20, 1480:2, 1480:10 abetting [1] - 1425:8 Abid [3] - 1523:14, 1523:15, 1523:16 Abida's [1] - 1466:3 Abigail [1] - 1500:21 ability [4] - 1354:13, 1430:4, 1472:1, 1489:5 able [11] - 1351:24, 1394:3, 1394:4, 1409:23, 1442:5, 1446:20, 1458:24, 1469:5, 1503:19, 1527:2 above-referred [7] - 1384:10, 1438:2, 1438:10, 1438:24, 1463:2, 1467:18, 1470:5 absence [1] - 1489:18 absolutely [14] - 1346:20, 1361:23, 1362:16, 1373:5, 1437:6, 1443:20, 1471:14, 1486:7, 1497:5, 1498:3, 1502:18, 1509:17, 1510:6, 1518:1 Absolutely [1] - 1432:6 Abu [1] - 1396:3 accept [4] - 1361:9, 1444:3, 1446:9, 1482:13 acceptable [3] - 1363:24, 1461:8, 1529:18 accepted [2] - 1466:23, 1479:22 accepts [1] - 1444:2 accident [1] - 1428:1 accidentally [1] - 1405:1 accommodating [1] - 1501:4 accompanying [2] - 1353:12, 1353:21 accomplish [2] - 1367:11, 1380:6 accomplished [1] - 1380:21 according [19] - 1349:1, 1429:5, 1436:11, 1439:21, 1447:9, 1450:8, 1450:21, 1454:23, 1468:25, 1471:15, 1474:9, 1476:16, 1481:12, 1483:3, 1485:12, 1485:18, 1486:9, 1492:2, 1515:20 accordingly [1] - 1455:1 account [10] - 1400:13, 1401:12, 1451:7, 1454:1, 1458:9, 1461:8, 1462:15, 1469:8, 1483:21, 1486:10 accounting [1] - 1462:22 accounts [4] - 1412:18, 1448:21, 1453:24, 1457:2 accuracy [1] - 1531:3 accurate [3] - 1424:13, 1455:7, 1530:13 accurately [1] - 1528:23 accused [2] - 1482:9, 1488:8 accusing [1] - 1400:8 accustomed [1] - 1381:22 achieve [1] - 1471:2 acknowledge [1] - 1452:4 acknowledgement [1] - 1461:2 acknowledges [1] - 1463:25 acquiring [1] - 1482:25 act [3] - 1420:14, 1421:9, 1423:6 acting [1] - 1524:22 action [4] - 1388:19, 1423:7, 1468:5, 1521:8</p>	<p>actions [7] - 1392:3, 1412:1, 1421:4, 1423:10, 1432:12, 1492:17, 1494:9 activities [1] - 1380:10 activity [4] - 1415:9, 1521:25, 1522:8, 1522:12 acts [9] - 1420:15, 1420:17, 1420:19, 1420:21, 1421:22, 1421:23, 1423:3, 1477:2, 1500:9 actual [10] - 1349:22, 1357:10, 1412:20, 1424:11, 1450:23, 1466:20, 1467:11, 1468:16, 1504:6, 1531:13 Adams [2] - 1500:21 add [1] - 1526:22 added [1] - 1513:10 addition [2] - 1347:19, 1509:14 additional [9] - 1350:1, 1368:15, 1368:20, 1368:25, 1369:1, 1369:4, 1498:23, 1513:18, 1529:12 additions [1] - 1357:22 address [17] - 1347:10, 1348:8, 1349:24, 1351:8, 1360:4, 1360:7, 1369:20, 1402:14, 1409:16, 1428:9, 1464:10, 1481:15, 1489:18, 1491:5, 1494:15, 1497:2, 1534:9 addressed [2] - 1353:1, 1481:9 addressing [1] - 1491:23 adequately [1] - 1531:6 adjourned [1] - 1534:16 adjust [1] - 1439:2 admissible [1] - 1352:21 admission [1] - 1392:14 admit [3] - 1349:17, 1352:19, 1359:7 admitted [16] - 1376:9, 1400:24, 1406:15, 1406:16, 1406:17, 1410:3, 1424:25, 1425:1, 1426:5, 1530:3, 1530:6, 1531:11, 1532:1, 1533:11, 1533:12 admitting [1] - 1349:5 ado [2] - 1442:25, 1485:20 adopt [1] - 1440:14 adults [2] - 1444:23, 1472:10 advance [3] - 1354:6, 1369:13, 1383:14 advised [3] - 1367:20, 1485:10, 1486:23 advising [1] - 1481:10 advocate [1] - 1440:13 advocates [1] - 1440:13 affects [1] - 1392:3 afford [2] - 1455:14, 1488:6 afforded [1] - 1485:11 affording [1] - 1448:12 afraid [6] - 1386:15, 1388:17, 1388:19, 1388:20, 1426:5, 1504:13 afternoon [8] - 1372:16, 1394:20, 1435:9, 1442:17, 1446:18, 1453:11, 1455:15, 1491:4 afterwards [3] - 1451:8, 1467:14, 1483:2 Afzal [13] - 1388:24, 1388:25, 1391:3, 1391:20, 1392:5, 1392:16, 1392:20, 1393:1, 1400:22, 1409:3, 1470:12,</p>
<p style="text-align: center;">7</p> <p>7 [2] - 1409:5, 1510:23 7.0 [1] - 1489:22 7.5 [1] - 1489:12 718 [2] - 1344:23, 1344:23 720 [1] - 1520:23 721 [1] - 1414:14 722 [6] - 1415:10, 1416:9, 1418:6, 1419:8, 1419:24, 1518:13 77 [1] - 1385:23 78 [1] - 1385:24 7:30 [2] - 1523:11, 1524:19 7:41 [1] - 1417:21</p>		
<p style="text-align: center;">8</p> <p>8 [2] - 1392:20, 1410:7 800 [1] - 1477:6 806 [5] - 1438:8, 1440:5, 1496:8, 1506:2, 1506:12 811 [1] - 1506:7 817 [1] - 1416:23 821 [2] - 1507:24, 1511:18 833 [1] - 1496:5 834 [2] - 1387:19, 1400:19 841 [1] - 1384:9</p>		
<p style="text-align: center;">9</p> <p>9 [1] - 1398:21 98 [2] - 1503:16, 1503:17 9:00 [7] - 1529:18, 1529:20, 1533:17, 1533:21, 1534:4, 1534:13, 1534:17 9:30 [2] - 1344:8, 1376:6</p>		
<p style="text-align: center;">A</p> <p>a.m [15] - 1344:8, 1398:18, 1417:21, 1419:7, 1510:23, 1522:14, 1524:3, 1529:18, 1529:20, 1533:18, 1533:21, 1534:4, 1534:13, 1534:17 Abbas [18] - 1377:15, 1377:20, 1394:24, 1450:21, 1451:24, 1452:13, 1452:15, 1453:2, 1461:25, 1462:9, 1462:11, 1463:25, 1468:4, 1469:3, 1469:5,</p>		

1528:16
Afzal's [5] - 1387:22, 1389:1, 1391:21, 1392:1, 1393:8
age [3] - 1442:14, 1442:15, 1499:13
agency [1] - 1486:22
agenda [1] - 1421:24
Agent [7] - 1345:7, 1402:24, 1414:15, 1415:12, 1417:13, 1425:4, 1427:1
agent [5] - 1484:6, 1484:7, 1484:10, 1484:19, 1486:2
agents [17] - 1378:22, 1390:12, 1399:17, 1406:13, 1406:17, 1406:19, 1411:11, 1419:11, 1443:3, 1461:5, 1461:10, 1478:11, 1483:16, 1483:19, 1485:13, 1485:14, 1530:3
ago [5] - 1347:20, 1381:8, 1435:10, 1437:13, 1441:3
agree [5] - 1359:18, 1408:11, 1459:16, 1459:17, 1460:23
agreed [9] - 1345:24, 1350:19, 1363:17, 1365:21, 1365:22, 1366:18, 1367:5, 1406:5, 1500:23
agreed-upon [1] - 1350:19
agreeing [4] - 1399:21, 1420:11, 1422:21, 1475:17
agreement [2] - 1380:5, 1413:16
agrees [2] - 1356:8, 1443:23
ahead [7] - 1354:24, 1370:16, 1371:10, 1397:16, 1418:3, 1460:11, 1483:12
Ahmed [35] - 1381:18, 1387:21, 1413:17, 1428:23, 1429:6, 1442:1, 1495:3, 1497:7, 1498:20, 1502:10, 1502:21, 1508:4, 1508:11, 1510:11, 1510:12, 1511:3, 1511:4, 1511:7, 1511:16, 1511:22, 1512:1, 1512:6, 1512:18, 1512:21, 1513:9, 1513:15, 1513:17, 1513:20, 1513:22, 1513:23, 1516:19, 1519:2, 1520:9, 1520:25, 1524:9
Ahmed's [1] - 1508:5
aided [1] - 1344:25
aiding [1] - 1425:8
airfare [1] - 1525:23
aisles [1] - 1443:12
AJMAL [1] - 1344:7
Ajmal [10] - 1378:6, 1460:24, 1465:2, 1467:7, 1468:25, 1473:1, 1528:17, 1528:18, 1528:20, 1528:22
Ajmal's [2] - 1386:4, 1392:2
AK [5] - 1418:18, 1418:21, 1419:2, 1523:2, 1523:3
Akmal [48] - 1382:16, 1383:16, 1383:17, 1383:21, 1384:3, 1385:10, 1385:11, 1385:12, 1387:2, 1387:3, 1387:17, 1387:20, 1388:5, 1395:22, 1395:24, 1396:3, 1396:5, 1396:7, 1396:18, 1396:20, 1396:23, 1397:8, 1398:7, 1398:8, 1400:12, 1401:5, 1409:7, 1413:17, 1414:18, 1414:20, 1414:22, 1415:1, 1415:3, 1420:22, 1421:8,

1421:12, 1421:18, 1422:21, 1426:20, 1429:12, 1429:14, 1429:20, 1472:19, 1497:10, 1498:7, 1501:17, 1512:23, 1515:11
Akmal's [5] - 1386:8, 1392:1, 1401:8, 1410:4, 1421:20
Ali [15] - 1428:23, 1429:6, 1430:16, 1496:22, 1497:7, 1512:25, 1513:6, 1513:10, 1513:19, 1513:24, 1513:25, 1515:6, 1515:7, 1515:20
Ali's [1] - 1515:3
alien [2] - 1423:18, 1423:24
alive [4] - 1392:22, 1395:20, 1398:23, 1405:6
allegation [1] - 1488:10
allegations [3] - 1487:11, 1487:13, 1487:18
alleged [6] - 1347:22, 1355:13, 1359:8, 1420:15, 1420:17, 1420:19
allegedly [1] - 1481:20
alliance [1] - 1408:15
allied [1] - 1478:24
allow [1] - 1360:25
allowed [5] - 1374:15, 1403:6, 1408:2, 1463:6, 1464:25
Almighty [1] - 1500:9
almost [1] - 1483:16
alone [5] - 1390:10, 1442:6, 1452:1, 1462:16, 1511:6
AMANDA [1] - 1344:16
Amanda [1] - 1345:6
ambiguity [1] - 1402:6
ambush [18] - 1388:4, 1388:8, 1388:12, 1389:23, 1390:13, 1391:6, 1400:11, 1400:16, 1400:25, 1414:11, 1414:13, 1414:16, 1414:23, 1415:4, 1415:6, 1418:25, 1426:20, 1523:5
America [2] - 1460:19, 1500:5
AMERICA [1] - 1344:3
American [4] - 1380:15, 1382:6, 1472:15, 1500:23
Americanized [2] - 1382:3, 1432:11
amid [1] - 1384:19
amina [4] - 1392:8, 1393:17, 1394:8, 1399:3
Amina [170] - 1377:15, 1378:20, 1381:8, 1381:12, 1381:17, 1381:18, 1381:20, 1382:1, 1382:2, 1382:7, 1382:9, 1382:17, 1382:18, 1382:20, 1382:23, 1383:12, 1383:15, 1383:16, 1383:17, 1384:5, 1384:7, 1384:13, 1384:15, 1384:20, 1384:22, 1385:9, 1385:11, 1385:16, 1385:19, 1386:1, 1386:4, 1386:15, 1387:3, 1387:12, 1389:1, 1390:11, 1390:18, 1390:23, 1391:1, 1391:8, 1391:19, 1391:24, 1392:17, 1393:3, 1393:9, 1393:13, 1393:19, 1394:1, 1394:5, 1398:17, 1399:12, 1400:5, 1400:7, 1400:10, 1401:2, 1402:10, 1403:1, 1403:10, 1403:21,

1404:4, 1404:9, 1405:12, 1405:14, 1405:18, 1405:22, 1405:24, 1406:7, 1406:10, 1406:13, 1406:21, 1406:22, 1406:25, 1407:14, 1407:18, 1407:24, 1408:18, 1408:23, 1408:25, 1409:4, 1409:6, 1410:10, 1410:13, 1411:1, 1411:19, 1411:22, 1413:7, 1413:13, 1413:14, 1414:22, 1416:12, 1419:10, 1419:13, 1419:16, 1419:20, 1420:4, 1420:8, 1421:3, 1421:4, 1421:22, 1421:25, 1422:3, 1422:13, 1422:15, 1423:10, 1424:4, 1424:6, 1425:13, 1425:25, 1426:4, 1426:7, 1426:10, 1426:18, 1427:13, 1432:6, 1460:24, 1465:2, 1465:21, 1466:7, 1467:7, 1468:25, 1472:25, 1473:3, 1473:12, 1476:18, 1478:5, 1491:25, 1492:7, 1492:12, 1492:17, 1492:21, 1492:23, 1493:1, 1493:4, 1493:15, 1493:24, 1494:3, 1494:7, 1494:8, 1494:13, 1498:15, 1498:16, 1502:15, 1512:7, 1512:9, 1512:14, 1517:4, 1517:14, 1518:19, 1518:23, 1519:7, 1519:9, 1519:15, 1519:17, 1523:15, 1523:18, 1523:25, 1524:3, 1524:13, 1524:15, 1524:23, 1525:24, 1526:2, 1526:6, 1530:2, 1530:6, 1532:2, 1532:17
Amina's [24] - 1382:14, 1382:24, 1383:19, 1385:3, 1385:6, 1387:13, 1387:21, 1406:4, 1410:4, 1411:5, 1411:8, 1411:11, 1411:13, 1411:19, 1416:18, 1424:14, 1432:12, 1492:4, 1502:12, 1512:23, 1512:24, 1521:4
amount [1] - 1477:1
amplified [1] - 1388:21
analysis [2] - 1380:1, 1419:7
angry [3] - 1385:22, 1387:3, 1516:4
anniversary [1] - 1500:7
announce [1] - 1373:21
answer [23] - 1383:2, 1383:9, 1383:11, 1383:23, 1384:1, 1386:2, 1386:4, 1389:7, 1389:16, 1396:16, 1396:18, 1397:13, 1397:17, 1397:22, 1397:24, 1398:2, 1415:24, 1444:18, 1448:22, 1457:1, 1462:4, 1484:12, 1490:9
ANSWER [4] - 1404:14, 1404:16, 1404:23, 1409:18
answered [2] - 1502:16, 1506:16
answering [2] - 1406:4, 1441:15
answers [1] - 1447:19
antagonized [1] - 1482:17
anthropological [1] - 1479:21
anticipate [1] - 1369:10
anyway [1] - 1483:21
apologize [1] - 1489:3
apparent [3] - 1403:19, 1492:9
appeal [1] - 1487:15
appealing [1] - 1458:13
appeals [1] - 1440:22
appear [2] - 1528:9, 1528:10

appearances [1] - 1345:4
application [3] - 1423:24, 1424:20, 1460:23
applied [1] - 1428:19
apply [1] - 1533:15
appointed [2] - 1447:25, 1448:1
appointments [1] - 1451:5
appreciate [4] - 1351:13, 1369:24, 1529:11, 1529:19
appreciated [1] - 1489:10
approached [3] - 1476:7, 1504:21, 1515:14
approaches [1] - 1438:14
appropriate [4] - 1352:19, 1362:8, 1367:22, 1406:20
approximation [1] - 1484:14
apt [1] - 1500:6
area [5] - 1352:8, 1352:24, 1438:18, 1457:14, 1514:19
areas [1] - 1514:15
argue [7] - 1349:7, 1402:16, 1407:23, 1428:24, 1430:19, 1516:15, 1516:16
argues [1] - 1449:22
arguing [3] - 1350:11, 1441:19, 1531:9
argument [27] - 1350:16, 1351:10, 1358:20, 1372:20, 1402:22, 1425:15, 1425:17, 1429:8, 1431:6, 1431:8, 1434:24, 1491:20, 1494:16, 1516:7, 1516:9, 1516:10, 1516:11, 1516:12, 1518:1, 1528:6, 1529:23, 1529:24, 1530:9, 1530:10, 1533:13, 1533:19
Arguments [1] - 1491:10
arguments [10] - 1376:16, 1378:25, 1381:2, 1402:15, 1431:18, 1440:14, 1491:5, 1491:6, 1528:4, 1533:13
arising [1] - 1420:21
Armed [1] - 1401:6
armed [2] - 1396:5, 1451:13
arranged [7] - 1377:16, 1406:5, 1409:13, 1409:16, 1411:1, 1464:17, 1478:24
arrangements [1] - 1398:11
arrest [3] - 1471:18, 1483:22, 1531:11
arrested [5] - 1399:17, 1425:3, 1461:18, 1483:14, 1483:22
arrive [2] - 1453:22, 1504:9
arrived [3] - 1461:20, 1504:6, 1508:1
arriving [1] - 1453:15
Asghar [76] - 1353:10, 1377:21, 1377:25, 1378:8, 1378:19, 1385:8, 1385:10, 1385:11, 1385:15, 1385:17, 1385:21, 1385:23, 1386:9, 1386:17, 1386:20, 1386:25, 1387:8, 1387:9, 1387:15, 1387:24, 1388:23, 1388:25, 1390:6, 1394:13, 1394:17, 1394:19, 1394:21, 1394:24, 1395:7, 1395:14, 1395:17, 1395:19, 1395:21, 1396:25, 1400:8, 1401:16, 1406:6, 1414:19, 1414:21, 1418:2, 1418:12, 1419:14, 1420:7, 1421:3, 1422:18, 1422:19,

1422:25, 1426:21, 1429:22, 1432:3, 1432:16, 1439:16, 1441:10, 1445:15, 1449:13, 1453:25, 1454:24, 1458:10, 1472:18, 1477:23, 1480:10, 1480:16, 1481:18, 1494:12, 1495:19, 1495:24, 1496:11, 1496:13, 1496:20, 1499:3, 1502:12, 1515:12, 1532:21, 1533:2
Asghar's [6] - 1385:13, 1400:9, 1400:23, 1422:22, 1452:17, 1478:1
Asghars [2] - 1388:16, 1394:17
Ashfaq [34] - 1387:22, 1395:23, 1400:13, 1401:5, 1413:18, 1418:16, 1497:11, 1497:18, 1498:4, 1501:18, 1503:9, 1505:23, 1506:4, 1508:7, 1510:7, 1510:9, 1511:8, 1511:23, 1514:2, 1514:5, 1514:14, 1514:16, 1515:1, 1516:2, 1516:6, 1517:2, 1517:8, 1517:11, 1521:22, 1522:24, 1523:12, 1524:6, 1526:19
Ashfaq's [2] - 1506:12, 1517:9
Ashutosh [1] - 1344:21
aside [3] - 1448:25, 1466:13, 1471:4
assailants [8] - 1497:20, 1498:7, 1499:3, 1499:7, 1502:5, 1503:8, 1503:23, 1516:14
assailed [1] - 1470:18
assault [1] - 1395:24
Assembly [1] - 1394:23
assert [1] - 1409:23
asserted [1] - 1469:11
assets [1] - 1478:2
assigned [2] - 1459:13, 1459:19
assimilate [1] - 1486:12
Assistant [1] - 1344:18
associated [1] - 1495:14
associates [6] - 1497:12, 1499:4, 1501:23, 1502:6, 1517:24, 1518:4
attach [1] - 1359:16
attack [3] - 1389:11, 1389:25, 1395:16
attacked [6] - 1388:6, 1389:24, 1445:4, 1470:18, 1503:8
attempt [1] - 1499:5
attempted [1] - 1497:8
attempting [2] - 1368:3, 1504:10
attend [2] - 1399:16, 1526:3
attention [6] - 1379:7, 1437:2, 1455:21, 1458:21, 1488:19, 1529:11
attest [1] - 1424:12
attesting [1] - 1531:3
Attorney [1] - 1344:14
attorney [4] - 1417:12, 1436:9, 1484:4, 1485:8
attorneys [2] - 1440:13, 1461:5
Attorneys [1] - 1344:18
audio [3] - 1402:25, 1403:5, 1486:17
audiotape [2] - 1472:14, 1472:25
August [1] - 1461:21
aunt [3] - 1384:2, 1474:8, 1479:15
aunts [2] - 1474:5, 1479:14
authenticated [1] - 1430:15

authorities [2] - 1454:23, 1467:15
authority [3] - 1409:23, 1464:25, 1470:22
automatic [6] - 1395:10, 1396:5, 1396:24, 1429:21, 1451:14, 1455:25
available [1] - 1354:3
Avenue [1] - 1416:23
aver [1] - 1373:2
average [3] - 1417:4, 1417:6, 1417:22
avoid [1] - 1363:9
aware [2] - 1410:3, 1500:14
awfully [1] - 1528:6
awoke [1] - 1394:15

B

Babar [34] - 1381:19, 1382:19, 1383:15, 1383:17, 1383:24, 1384:3, 1384:14, 1387:21, 1395:23, 1400:12, 1401:5, 1408:1, 1409:8, 1413:17, 1416:17, 1416:18, 1418:15, 1420:22, 1468:15, 1469:21, 1478:22, 1497:11, 1501:18, 1512:24, 1515:12, 1520:20, 1520:22, 1520:25, 1521:2, 1522:25, 1523:1, 1523:14, 1525:10
Babar's [2] - 1387:21, 1416:19
baby [1] - 1381:21
backed [1] - 1452:25
background [2] - 1411:6, 1479:21
backwards [1] - 1346:20
bad [4] - 1371:8, 1440:21, 1471:1
bang [1] - 1479:4
barely [3] - 1382:8, 1387:24, 1450:14
Barnala [5] - 1386:17, 1387:16, 1414:20, 1422:21, 1528:15
barrel [1] - 1395:24
barrels [1] - 1378:1
base [2] - 1430:8, 1431:9
based [11] - 1351:11, 1381:4, 1423:8, 1440:2, 1447:5, 1448:21, 1453:9, 1456:19, 1482:13, 1496:4, 1496:21
basement [1] - 1444:22
basic [1] - 1380:5
bastards [1] - 1408:14
bathroom [3] - 1459:6, 1499:12, 1499:22
beat [2] - 1493:13, 1493:14
became [3] - 1391:4, 1396:7, 1429:16
become [1] - 1397:7
becomes [2] - 1354:7, 1445:16
bed [4] - 1360:2, 1451:25, 1471:17, 1523:21
BEFORE [1] - 1344:11
beg [3] - 1439:18, 1447:2, 1485:21
began [4] - 1347:19, 1348:15, 1390:14, 1394:15
begged [1] - 1387:8
begin [10] - 1349:25, 1351:9, 1373:18, 1376:23, 1431:22, 1433:9, 1435:1, 1439:19, 1490:25, 1533:20

beginning [4] - 1376:15, 1506:23, 1520:17, 1534:1
begins [1] - 1443:9
behavior [1] - 1417:9
behind [9] - 1380:14, 1381:7, 1390:6, 1429:17, 1461:11, 1466:12, 1482:17, 1526:24, 1533:17
behold [2] - 1517:7, 1517:20
belabor [1] - 1352:16
belief [1] - 1449:23
believable [3] - 1407:22, 1450:18, 1482:14
believes [3] - 1399:9, 1412:16, 1469:4
bells [1] - 1500:10
belongs [1] - 1416:17
below [1] - 1485:1
bench [1] - 1369:18
benefit [5] - 1411:23, 1448:6, 1457:4, 1457:6, 1482:24
best [10] - 1348:20, 1351:16, 1412:6, 1412:21, 1429:9, 1436:4, 1440:1, 1457:11, 1489:5, 1492:6
better [5] - 1356:7, 1399:14, 1402:16, 1477:20, 1498:5
between [21] - 1355:5, 1355:8, 1368:22, 1381:12, 1387:11, 1391:7, 1394:17, 1403:1, 1425:24, 1449:18, 1453:9, 1476:14, 1498:14, 1502:12, 1507:21, 1510:3, 1511:19, 1512:10, 1514:1, 1517:4, 1522:17
beyond [13] - 1352:24, 1352:25, 1368:8, 1374:11, 1379:3, 1399:23, 1401:23, 1413:20, 1420:16, 1428:13, 1431:14, 1488:11, 1529:10
Bhimber [5] - 1508:20, 1510:16, 1510:19, 1510:21, 1510:24
big [10] - 1387:13, 1417:9, 1461:12, 1461:13, 1463:1, 1463:17, 1508:14, 1530:9, 1530:11, 1531:5
bike [2] - 1451:24, 1451:25
bit [17] - 1349:23, 1376:6, 1395:5, 1395:6, 1403:1, 1414:6, 1430:11, 1438:18, 1446:5, 1452:5, 1453:6, 1475:9, 1486:3, 1494:20, 1499:11, 1513:5, 1528:3
black [4] - 1356:4, 1357:24, 1358:22, 1511:22
black-line [2] - 1357:24, 1358:22
BlackBerry [1] - 1362:21
blame [1] - 1516:20
blatant [2] - 1498:17, 1503:3
bleeding [1] - 1395:22
blind [1] - 1381:16
block [1] - 1439:25
blood [2] - 1450:23, 1500:14
bloodshed [3] - 1377:11, 1380:12, 1432:15
blowing [2] - 1474:22, 1479:7
blowup [1] - 1514:21
boarder [2] - 1408:21, 1424:8

bodies [21] - 1378:2, 1378:13, 1395:23, 1398:5, 1399:11, 1401:6, 1416:13, 1418:12, 1451:21, 1454:18, 1456:15, 1496:2, 1496:7, 1496:9, 1501:19, 1501:20, 1507:22, 1511:19, 1515:12, 1522:24, 1526:18
body [4] - 1355:15, 1355:16, 1481:17
boldly [1] - 1432:12
bonfires [1] - 1500:11
border [1] - 1389:22
boss [1] - 1460:12
bother [1] - 1391:13
bothering [1] - 1481:2
bottom [2] - 1471:5, 1495:3
box [2] - 1380:24, 1531:16
boxes [1] - 1390:7
boy [3] - 1377:15, 1377:17, 1381:17
brazenly [1] - 1455:11
break [12] - 1425:18, 1433:7, 1433:12, 1433:19, 1489:8, 1489:10, 1489:11, 1489:12, 1499:12, 1499:14, 1499:15, 1499:22
bribed [1] - 1433:1
Brief [1] - 1499:23
brief [5] - 1382:22, 1425:16, 1425:20, 1434:25, 1490:24
briefed [1] - 1474:11
briefly [8] - 1376:20, 1379:23, 1428:9, 1469:22, 1470:11, 1472:13, 1483:7, 1483:9
Bright [1] - 1418:22
bring [20] - 1347:11, 1350:25, 1351:4, 1357:9, 1369:7, 1370:4, 1373:13, 1385:9, 1387:3, 1400:10, 1434:6, 1434:10, 1445:9, 1460:16, 1460:20, 1490:5, 1499:24, 1501:1, 1507:17, 1531:23
bringing [5] - 1351:3, 1442:17, 1507:14, 1513:12
broad [1] - 1455:15
broader [1] - 1427:21
Broadway [1] - 1344:19
broke [3] - 1350:22, 1370:18, 1370:23
Brooklyn [20] - 1344:6, 1344:16, 1377:8, 1380:9, 1391:19, 1398:16, 1399:17, 1416:11, 1416:21, 1416:23, 1418:8, 1418:9, 1446:15, 1447:5, 1471:23, 1472:12, 1474:5, 1476:19, 1487:24, 1492:20
brother [14] - 1382:16, 1383:18, 1388:24, 1391:3, 1391:20, 1409:3, 1468:12, 1469:12, 1469:19, 1470:12, 1470:17, 1471:12, 1478:1, 1512:24
brother's [1] - 1469:19
brothers [1] - 1392:4
brought [12] - 1369:21, 1373:10, 1382:2, 1385:10, 1398:6, 1408:18, 1433:2, 1444:15, 1456:25, 1507:16, 1508:1, 1515:21
building [1] - 1504:18

buildings [1] - 1514:16
bullet [4] - 1387:18, 1400:20, 1455:21, 1459:3
bullets [2] - 1387:25, 1390:8
bunch [2] - 1402:18, 1475:1
burden [5] - 1374:10, 1399:22, 1428:12, 1428:14, 1454:12
bus [57] - 1395:2, 1442:7, 1443:1, 1443:4, 1443:5, 1443:6, 1443:10, 1443:11, 1443:15, 1444:5, 1444:9, 1444:25, 1445:3, 1445:15, 1445:23, 1446:12, 1446:13, 1447:14, 1447:18, 1453:9, 1457:12, 1457:13, 1457:15, 1460:3, 1460:5, 1496:23, 1498:21, 1508:4, 1508:9, 1508:16, 1508:18, 1508:19, 1508:20, 1508:21, 1509:1, 1509:2, 1509:19, 1509:24, 1510:11, 1510:13, 1510:15, 1510:17, 1510:18, 1511:1, 1511:7, 1511:23, 1512:4, 1513:13, 1513:15, 1514:2, 1514:8, 1514:18
buses [2] - 1509:22, 1514:17
Bushwick [1] - 1448:20
business [8] - 1432:23, 1435:14, 1442:20, 1449:17, 1454:13, 1462:17, 1463:13, 1478:2
busy [1] - 1475:13
BY [8] - 1344:16, 1377:2, 1435:7, 1491:3, 1528:2, 1535:4, 1535:7, 1535:11
byproduct [1] - 1465:14
byproducts [1] - 1466:14

C

cab [4] - 1418:7, 1471:19, 1476:4, 1493:14
cabs [1] - 1475:13
Cadman [1] - 1344:15
cageyness [1] - 1474:19
calculated [3] - 1428:4, 1491:21, 1493:12
calendar [1] - 1461:22
California [1] - 1380:18
calm [3] - 1410:11, 1493:12
candles [1] - 1370:2
canisters [1] - 1472:6
cannot [8] - 1360:14, 1408:15, 1448:22, 1463:5, 1487:22, 1488:22, 1496:25, 1498:18
capable [1] - 1426:22
caption [1] - 1353:6
captured [1] - 1415:9
car [7] - 1384:18, 1387:18, 1389:11, 1389:17, 1389:24, 1389:25, 1475:21
card [1] - 1442:10
cards [2] - 1424:2
care [1] - 1517:8
careful [4] - 1379:7, 1398:14, 1428:19, 1437:2

carefully [6] - 1447:3, 1473:8, 1486:13, 1488:5, 1488:18, 1488:20
carry [3] - 1388:19, 1410:6, 1421:6
cars [1] - 1460:13
Case [1] - 1345:3
case [73] - 1347:22, 1358:23, 1365:22, 1367:17, 1368:8, 1369:23, 1370:2, 1371:8, 1371:20, 1379:1, 1379:15, 1380:8, 1386:5, 1395:6, 1399:23, 1428:7, 1428:13, 1428:20, 1430:10, 1431:12, 1431:14, 1431:20, 1433:8, 1433:12, 1433:13, 1436:9, 1436:19, 1436:21, 1436:23, 1437:20, 1440:16, 1441:6, 1441:7, 1441:11, 1443:3, 1446:14, 1447:5, 1448:2, 1448:19, 1449:3, 1464:6, 1465:9, 1465:10, 1467:4, 1469:18, 1470:16, 1474:1, 1476:15, 1480:24, 1481:1, 1482:19, 1486:12, 1487:20, 1487:23, 1490:8, 1491:7, 1491:9, 1491:15, 1492:8, 1493:2, 1494:17, 1498:10, 1514:10, 1530:6, 1532:8, 1532:12, 1533:15, 1533:23, 1533:24
cased [1] - 1429:15
cash [1] - 1445:12
casings [1] - 1397:1
cast [3] - 1428:25, 1448:25, 1474:4
castigated [1] - 1461:8
castigating [1] - 1444:14
casts [1] - 1430:20
casual [1] - 1428:3
catch [3] - 1394:12, 1396:4, 1519:21
categories [1] - 1420:21
caught [3] - 1402:1, 1442:6, 1507:25
CAUSE [1] - 1344:11
caused [4] - 1378:21, 1392:3, 1421:4, 1432:15
causing [1] - 1386:6
celebrate [2] - 1471:6, 1500:24
celebrated [1] - 1500:6
celebration [7] - 1384:9, 1384:12, 1465:8, 1466:22, 1467:11, 1468:10
cell [2] - 1418:20, 1418:21
Cell [1] - 1418:22
cellphone [6] - 1382:12, 1382:15, 1388:24, 1393:14, 1442:11, 1460:16
cellphones [2] - 1460:19, 1476:20
cellular [2] - 1390:18, 1418:24
Centre [1] - 1464:9
ceremony [6] - 1383:13, 1465:7, 1465:19, 1465:24, 1465:25, 1467:5
certain [15] - 1354:18, 1355:9, 1379:25, 1384:13, 1404:12, 1409:21, 1409:22, 1411:6, 1436:2, 1436:15, 1436:18, 1437:3, 1477:25
certainly [17] - 1349:15, 1349:25, 1354:5, 1355:17, 1359:4, 1361:2, 1370:21, 1371:7, 1411:17, 1421:25, 1435:17, 1437:17, 1440:25, 1464:13, 1481:15, 1482:15, 1529:15

certificate [1] - 1466:20
certifying [1] - 1466:6
ChaCha [4] - 1410:7, 1410:9, 1410:11
Chacha's [1] - 1410:4
challenge [3] - 1443:19, 1445:5, 1481:16
challenged [3] - 1445:7, 1481:9, 1482:1
challenging [1] - 1481:25
chance [8] - 1358:2, 1378:25, 1422:1, 1426:17, 1431:17, 1458:7, 1458:8, 1458:12
change [9] - 1412:18, 1413:1, 1437:18, 1447:2, 1449:4, 1471:11, 1487:12, 1488:1, 1494:19
changed [4] - 1412:23, 1435:20, 1435:25, 1507:3
changer [1] - 1494:17
changes [2] - 1345:24, 1350:1
changing [1] - 1396:23
channels [1] - 1398:24
charge [16] - 1345:23, 1351:5, 1379:20, 1380:6, 1425:10, 1425:20, 1466:8, 1489:14, 1490:25, 1529:8, 1529:16, 1529:20, 1533:18, 1533:19, 1533:25, 1534:5
charged [10] - 1379:4, 1379:16, 1380:8, 1382:16, 1421:21, 1431:15, 1488:20, 1492:25, 1493:2
charges [4] - 1379:2, 1423:15, 1487:18, 1488:14
chart [4] - 1414:15, 1475:4, 1475:7, 1476:5
chased [1] - 1396:6
chasing [4] - 1397:9, 1401:7, 1456:1, 1459:3
check [5] - 1459:9, 1459:12, 1460:13, 1514:14, 1531:6
checking [1] - 1395:23
checkpoint [1] - 1459:9
cheer [1] - 1471:6
chest [4] - 1389:13, 1389:18, 1390:3, 1401:3
child [1] - 1393:6
children [14] - 1398:12, 1401:8, 1410:16, 1437:16, 1442:10, 1442:13, 1442:18, 1443:22, 1465:12, 1466:14, 1472:10, 1508:19, 1510:17, 1510:22
children's [1] - 1465:14
Chiryawala [23] - 1378:3, 1384:24, 1386:12, 1387:1, 1387:16, 1389:10, 1400:7, 1401:14, 1414:21, 1418:13, 1421:14, 1421:17, 1459:10, 1477:25, 1480:9, 1498:13, 1510:17, 1510:25, 1512:5, 1512:19, 1514:15
choice [1] - 1421:5
choose [3] - 1382:21, 1420:4, 1432:9
choosing [1] - 1354:1
chose [1] - 1377:20
chosen [2] - 1367:14, 1466:6
Choudhries [4] - 1421:16, 1422:24,

1422:25, 1512:5
CHOUDHRY [1] - 1344:7
Choudhry [16] - 1345:3, 1345:11, 1345:12, 1345:14, 1367:23, 1378:6, 1392:4, 1392:18, 1444:21, 1470:12, 1474:22, 1478:8, 1484:8, 1484:16, 1484:20
Choudhry's [2] - 1386:6, 1430:3
Choudhrys [9] - 1385:21, 1386:21, 1386:22, 1387:10, 1387:23, 1388:18, 1394:17, 1395:16, 1400:7
Choudhrys' [3] - 1387:23, 1390:8, 1392:6
Christmastime [1] - 1464:9
circling [1] - 1514:23
circumstances [5] - 1461:11, 1464:21, 1465:3, 1481:11, 1482:4
citizen [1] - 1382:7
citizenship [1] - 1424:3
City [2] - 1431:25, 1466:21
city [1] - 1475:12
claim [24] - 1360:16, 1385:6, 1402:18, 1437:7, 1437:13, 1438:4, 1441:2, 1441:5, 1447:7, 1450:7, 1456:8, 1456:20, 1458:23, 1459:2, 1466:4, 1467:22, 1467:24, 1470:16, 1476:14, 1481:2, 1483:25, 1485:3, 1485:15, 1486:23
claimed [9] - 1446:18, 1446:22, 1449:18, 1449:20, 1451:23, 1457:12, 1485:22, 1503:18, 1503:19
claiming [2] - 1419:14, 1437:17
claims [5] - 1410:5, 1425:7, 1471:13, 1498:21, 1525:4
clarity's [1] - 1364:3
clean [2] - 1358:21, 1359:15
clear [41] - 1348:7, 1348:13, 1353:12, 1358:4, 1363:4, 1363:14, 1365:19, 1365:20, 1374:19, 1387:3, 1391:4, 1398:19, 1404:8, 1406:25, 1408:16, 1421:2, 1424:9, 1428:2, 1431:1, 1436:4, 1437:25, 1438:3, 1439:18, 1473:10, 1485:13, 1486:3, 1488:3, 1492:6, 1492:7, 1492:25, 1495:18, 1496:4, 1502:18, 1506:3, 1507:15, 1513:21, 1517:16, 1519:14, 1520:21, 1531:15
clearer [1] - 1366:8
clearly [6] - 1348:24, 1361:4, 1376:24, 1473:13, 1480:8, 1514:6
clerk [1] - 1363:2
CLERK [3] - 1346:9, 1490:3, 1501:2
clerks [1] - 1362:14
client [7] - 1440:18, 1460:25, 1474:21, 1477:4, 1483:13, 1485:6, 1488:6
client's [2] - 1470:12, 1482:21
clip [1] - 1396:24
close [9] - 1371:15, 1404:24, 1416:8, 1451:10, 1452:9, 1452:10, 1464:18, 1488:19, 1525:22

closely [1] - 1447:3
closer [4] - 1379:11, 1412:19, 1452:10, 1458:14
closest [2] - 1377:20, 1397:4
closing [5] - 1378:24, 1491:6, 1521:24, 1533:12, 1533:13
clothing [1] - 1513:22
cluster [1] - 1439:4
co [1] - 1416:4
co-worker [1] - 1416:4
coconspirator [1] - 1523:2
coincidence [1] - 1526:19
coincidentally [1] - 1517:7
cold [2] - 1491:21, 1493:11
coldly [1] - 1519:13
colleague [2] - 1370:10, 1521:23
colleagues [2] - 1346:1, 1446:1
collecting [2] - 1443:11, 1443:12
collects [2] - 1509:14, 1510:16
college [5] - 1382:6, 1408:20, 1442:14, 1510:5, 1511:11
color [1] - 1513:21
combination [1] - 1449:17
comfort [6] - 1425:18, 1433:7, 1433:12, 1433:19, 1435:22, 1501:4
comfortable [3] - 1349:17, 1499:20, 1499:21
coming [25] - 1349:15, 1351:7, 1352:16, 1357:5, 1393:19, 1398:9, 1399:13, 1422:10, 1422:11, 1422:12, 1437:23, 1454:6, 1454:7, 1454:17, 1457:13, 1457:14, 1457:16, 1463:10, 1469:17, 1469:18, 1469:19, 1480:16, 1480:17, 1518:21, 1526:1
comings [1] - 1414:9
comitted [1] - 1460:25
commemorated [1] - 1500:8
comment [3] - 1371:14, 1371:16, 1525:19
commented [1] - 1521:24
commerce [3] - 1379:19, 1425:22, 1426:25
Commission [1] - 1414:5
commit [9] - 1379:21, 1380:5, 1380:7, 1380:18, 1420:12, 1436:21, 1441:6, 1467:15, 1487:23
committed [6] - 1398:10, 1420:13, 1429:4, 1502:6, 1516:14, 1518:4
committing [3] - 1379:18, 1411:16, 1414:1
common [7] - 1379:14, 1409:18, 1423:9, 1431:21, 1458:2, 1458:15, 1531:23
communicated [1] - 1346:16
communicating [4] - 1385:20, 1407:21, 1425:22, 1530:4
community [6] - 1393:22, 1436:23, 1480:23, 1481:6, 1482:1, 1509:4
commute [1] - 1417:5
company [1] - 1453:23

compare [4] - 1440:5, 1440:6, 1461:25, 1462:1
compared [4] - 1450:17, 1453:24, 1471:9, 1472:8
comparing [1] - 1462:24
compel [1] - 1368:3
compelled [2] - 1368:2, 1370:22
compelling [1] - 1423:7
competing [1] - 1465:5
complain [1] - 1481:16
complainant [2] - 1353:9, 1439:15
complained [1] - 1481:9
complaints [1] - 1383:4
complete [3] - 1350:23, 1419:24
completed [1] - 1439:22
completely [10] - 1350:10, 1360:23, 1402:23, 1407:9, 1438:15, 1441:16, 1447:8, 1454:21, 1456:4, 1514:5
complicated [1] - 1414:5
compose [1] - 1504:16
composed [1] - 1504:17
Computer [1] - 1344:25
Computer-aided [1] - 1344:25
computerized [1] - 1344:25
conceded [1] - 1451:11
conceding [2] - 1415:20, 1492:19
concept [2] - 1379:24, 1404:6
concern [3] - 1354:17, 1444:2, 1444:3
concerned [4] - 1437:9, 1444:4, 1446:14, 1469:23
concerns [2] - 1479:3, 1479:8
conclude [1] - 1428:9
concludes [2] - 1423:13, 1431:11
conclusion [2] - 1429:8, 1505:5
conclusions [2] - 1506:22, 1507:10
conclusively [1] - 1511:16
confer [1] - 1351:17
conference [1] - 1412:12
conferred [1] - 1369:12
confess [1] - 1444:11
confirm [1] - 1424:12
confirmed [3] - 1400:14, 1413:13, 1426:23
confirms [2] - 1413:14, 1413:22
conflicted [1] - 1492:16
confront [1] - 1516:5
confronted [5] - 1383:16, 1388:7, 1400:15, 1532:2, 1532:18
confronts [1] - 1388:14
confused [3] - 1384:19, 1385:15, 1429:9
confusion [2] - 1363:10, 1402:6
conjured [1] - 1445:25
connected [1] - 1502:23
connection [3] - 1371:19, 1463:21, 1467:20
connects [1] - 1520:5
conscious [2] - 1448:24, 1513:4
consensual [12] - 1402:4, 1404:24,

1419:11, 1425:2, 1425:24, 1491:15, 1491:19, 1493:9, 1493:18, 1518:11, 1518:14, 1532:10
consensually [6] - 1403:11, 1404:2, 1408:5, 1421:22, 1422:16, 1432:25
conservative [1] - 1409:9
consider [16] - 1379:14, 1407:14, 1415:22, 1428:18, 1441:23, 1445:18, 1449:1, 1449:2, 1466:1, 1468:23, 1477:7, 1477:8, 1485:22, 1486:4, 1488:20, 1502:9
consideration [3] - 1352:25, 1450:1, 1486:11
considered [1] - 1461:6
considering [1] - 1471:15
consistent [13] - 1347:24, 1353:19, 1354:2, 1355:12, 1400:4, 1415:5, 1456:7, 1505:12, 1507:18, 1507:23, 1512:25, 1514:4, 1517:9
consists [1] - 1481:1
conspiracy [20] - 1379:17, 1379:20, 1380:5, 1381:5, 1381:7, 1399:25, 1419:3, 1420:14, 1420:19, 1420:25, 1421:23, 1423:5, 1423:8, 1423:11, 1436:21, 1441:6, 1487:23, 1520:3, 1532:12
conspirator [1] - 1419:3
conspire [1] - 1380:17
conspired [1] - 1406:6
conspiring [7] - 1380:7, 1399:20, 1413:11, 1420:6, 1420:12, 1475:17, 1479:4
constantly [1] - 1522:1
constitutional [1] - 1485:10
consulate [3] - 1385:1, 1472:15, 1472:18
consummate [2] - 1384:15, 1411:4
contact [6] - 1382:11, 1415:3, 1462:10, 1463:6, 1497:23, 1501:23
contacted [1] - 1442:12
contacts [4] - 1462:9, 1476:14, 1477:11, 1520:23
contain [1] - 1427:16
contained [3] - 1352:9, 1441:8, 1531:4
containers [1] - 1472:6
contains [4] - 1347:24, 1352:20, 1355:19, 1424:13
contends [1] - 1475:22
content [1] - 1524:4
context [8] - 1353:7, 1355:17, 1411:7, 1418:24, 1427:21, 1460:24, 1463:24, 1482:16
continent [1] - 1500:11
continuation [2] - 1350:21, 1373:10
continue [8] - 1353:7, 1495:9, 1501:6, 1529:10, 1532:3, 1532:18, 1532:20
continued [2] - 1528:1, 1532:20
Continued [3] - 1433:22, 1489:24, 1527:4
continues [4] - 1381:20, 1391:15,

1393:1, 1473:25
contradiction [1] - 1388:15
contrary [1] - 1402:6
control [5] - 1403:17, 1403:18, 1409:24, 1422:24, 1477:18
controlling [1] - 1477:5
controls [1] - 1380:1
convened [1] - 1435:11
convenience [2] - 1351:23, 1352:1
convenient [1] - 1528:6
conveniently [1] - 1533:16
convening [1] - 1480:18
convention [2] - 1453:20, 1483:6
conversation [12] - 1352:6, 1382:25, 1383:1, 1383:17, 1400:15, 1416:12, 1427:17, 1457:22, 1458:17, 1474:10, 1479:6, 1482:9
conversations [7] - 1418:17, 1426:6, 1427:19, 1474:23, 1478:8, 1528:7, 1528:12
convict [1] - 1533:6
convicted [1] - 1411:15
cooperative [2] - 1483:15, 1483:18
copies [3] - 1365:11, 1369:21, 1370:10
copy [4] - 1346:13, 1358:21, 1362:15, 1369:13
core [2] - 1407:15, 1411:8
corner [14] - 1424:19, 1438:6, 1438:8, 1438:15, 1439:3, 1439:5, 1439:7, 1439:23, 1440:1, 1440:4, 1449:14, 1454:18, 1456:5, 1456:8
correct [9] - 1346:8, 1346:11, 1361:7, 1362:18, 1367:6, 1368:18, 1369:5, 1371:5, 1415:20
corrected [1] - 1351:25
corresponding [1] - 1418:22
responds [1] - 1363:20
corroborated [1] - 1400:13
corroborates [1] - 1413:22
cost [2] - 1432:7, 1500:15
costs [1] - 1532:24
cots [1] - 1507:22
counsel [48] - 1345:4, 1345:21, 1346:11, 1346:14, 1350:11, 1350:18, 1351:22, 1352:7, 1353:24, 1354:15, 1357:13, 1357:20, 1358:23, 1360:5, 1361:3, 1361:19, 1362:12, 1365:11, 1367:5, 1368:13, 1368:17, 1368:21, 1368:23, 1369:1, 1369:12, 1376:16, 1376:18, 1425:19, 1430:18, 1433:8, 1434:4, 1434:23, 1439:2, 1490:4, 1491:6, 1491:14, 1491:19, 1491:24, 1492:2, 1496:19, 1496:25, 1501:9, 1506:24, 1508:14, 1516:1, 1526:14, 1528:4, 1533:19
counsel's [4] - 1352:4, 1353:23, 1367:14, 1494:16
Count [3] - 1423:12, 1423:14, 1428:5
count [6] - 1423:17, 1425:12, 1425:21, 1425:22, 1473:23, 1522:20

countries [4] - 1381:12, 1464:17, 1471:7, 1471:8
country [12] - 1379:17, 1379:21, 1380:7, 1380:16, 1380:21, 1381:11, 1382:5, 1409:4, 1432:22, 1461:20, 1471:6, 1482:22
counts [2] - 1428:8, 1465:2
County [1] - 1446:16
couple [7] - 1467:13, 1485:24, 1495:19, 1506:15, 1516:10, 1521:13, 1526:21
course [36] - 1351:20, 1354:22, 1361:2, 1370:7, 1381:20, 1384:5, 1386:10, 1386:19, 1391:2, 1398:8, 1399:15, 1401:4, 1407:22, 1408:9, 1410:8, 1414:22, 1415:8, 1416:18, 1416:19, 1419:10, 1424:23, 1436:5, 1436:17, 1442:22, 1444:1, 1444:14, 1445:20, 1449:14, 1452:23, 1470:17, 1471:14, 1473:25, 1479:12, 1489:3, 1504:3
Court [30] - 1344:22, 1344:22, 1354:20, 1355:23, 1356:1, 1356:13, 1358:21, 1359:6, 1359:12, 1359:15, 1360:10, 1360:11, 1361:17, 1361:21, 1362:17, 1365:7, 1365:25, 1366:7, 1367:5, 1367:20, 1370:18, 1372:15, 1372:18, 1373:21, 1374:1, 1374:3, 1374:6, 1374:7, 1380:4, 1436:10
COURT [158] - 1344:1, 1345:10, 1345:14, 1345:17, 1345:19, 1346:5, 1346:10, 1346:19, 1347:1, 1347:6, 1347:14, 1347:16, 1348:1, 1348:12, 1348:19, 1349:3, 1349:5, 1350:3, 1350:6, 1350:20, 1351:3, 1351:14, 1351:20, 1352:1, 1354:15, 1354:23, 1355:2, 1355:21, 1355:25, 1356:5, 1356:9, 1356:12, 1356:15, 1356:17, 1356:20, 1356:24, 1357:1, 1357:8, 1357:12, 1357:15, 1357:25, 1358:8, 1358:24, 1359:2, 1359:6, 1359:22, 1359:24, 1360:9, 1360:19, 1361:6, 1361:9, 1361:15, 1361:23, 1361:25, 1362:4, 1362:6, 1362:16, 1362:22, 1362:25, 1363:3, 1363:7, 1363:16, 1363:19, 1363:23, 1364:14, 1364:17, 1364:24, 1365:2, 1365:5, 1365:8, 1365:19, 1365:24, 1366:10, 1366:16, 1366:20, 1366:22, 1367:4, 1367:9, 1367:12, 1367:18, 1367:23, 1368:2, 1368:7, 1368:11, 1368:15, 1368:20, 1368:24, 1369:4, 1369:7, 1369:17, 1369:24, 1370:7, 1370:9, 1370:12, 1370:16, 1370:21, 1371:2, 1371:6, 1371:10, 1371:12, 1371:16, 1371:25, 1372:6, 1372:9, 1372:14, 1372:24, 1373:6, 1373:9, 1373:13, 1373:20, 1374:1, 1374:5, 1374:18, 1374:24, 1375:2, 1376:2, 1376:9, 1376:13, 1376:23, 1377:1, 1412:8, 1425:15, 1431:6, 1433:6, 1433:15, 1433:19, 1434:4, 1434:10, 1434:13, 1434:17,

1434:21, 1435:6, 1483:9, 1483:12, 1489:7, 1489:11, 1489:17, 1489:20, 1489:22, 1490:4, 1490:9, 1490:13, 1490:16, 1490:22, 1492:11, 1495:8, 1499:13, 1499:18, 1499:20, 1499:24, 1500:2, 1501:4, 1529:4, 1529:6, 1529:16, 1533:8, 1534:7, 1534:12
court [19] - 1345:1, 1351:14, 1371:22, 1380:9, 1380:25, 1434:1, 1435:14, 1437:1, 1446:19, 1447:10, 1450:5, 1456:17, 1457:3, 1457:18, 1477:14, 1490:1, 1490:18, 1503:3, 1533:14
court's [2] - 1369:10, 1431:8
Court's [11] - 1345:22, 1346:2, 1346:3, 1346:13, 1350:8, 1366:2, 1369:11, 1373:18, 1381:2, 1536:4
Courthouse [1] - 1344:5
courthouse [2] - 1437:1, 1490:13
COURTROOM [5] - 1345:2, 1359:4, 1373:15, 1375:4, 1434:2
courtroom [20] - 1369:11, 1376:1, 1381:10, 1406:18, 1412:14, 1433:14, 1433:16, 1434:20, 1471:23, 1488:17, 1489:16, 1489:17, 1490:21, 1492:12, 1499:19, 1501:3, 1533:17, 1534:6, 1534:8
cousin [4] - 1387:22, 1388:11, 1450:21, 1450:24
cousins [3] - 1464:15, 1464:18
cover [3] - 1471:13, 1471:24, 1473:5
covered [2] - 1369:23, 1453:17
coy [1] - 1406:2
Crayola [1] - 1361:16
create [1] - 1469:9
created [2] - 1441:8, 1495:1
creates [1] - 1482:15
creating [1] - 1486:18
credence [1] - 1441:20
credentialed [1] - 1444:9
credibility [1] - 1510:6
credible [25] - 1400:2, 1400:4, 1401:24, 1409:9, 1411:8, 1411:9, 1430:6, 1430:7, 1497:5, 1497:14, 1502:1, 1502:8, 1502:17, 1502:25, 1503:20, 1504:1, 1506:14, 1506:15, 1507:18, 1508:11, 1508:12, 1509:17, 1513:16, 1515:4, 1515:25
credibly [1] - 1513:10
credit [2] - 1430:8, 1498:24
credited [3] - 1503:3, 1503:4, 1516:13
crescendo [2] - 1518:6, 1519:23
crime [21] - 1355:13, 1380:15, 1460:25, 1461:17, 1463:22, 1463:23, 1487:10, 1487:24, 1488:8, 1502:6, 1504:20, 1507:14, 1507:20, 1508:2, 1508:8, 1518:4, 1518:5, 1531:15, 1531:17, 1531:18
crimes [6] - 1379:4, 1379:17, 1398:10, 1411:20, 1431:15, 1533:6
criminal [4] - 1380:10, 1441:22,

1461:17, 1487:9
CRIMINAL [1] - 1344:11
critical [6] - 1414:2, 1414:10, 1415:8, 1437:6, 1444:14
cross [12] - 1353:23, 1395:3, 1401:21, 1404:9, 1415:15, 1417:12, 1417:13, 1427:6, 1427:7, 1441:15, 1459:11, 1507:3
cross-examination [7] - 1395:3, 1404:9, 1415:15, 1417:12, 1441:15, 1459:11, 1507:3
cross-examined [1] - 1401:21
cross-examining [1] - 1417:13
crossed [2] - 1427:3, 1427:18
crosses [1] - 1378:6
crossing [3] - 1389:22, 1408:21, 1424:8
CRR [1] - 1344:22
crush [2] - 1381:13, 1381:15
crying [3] - 1403:9, 1403:10, 1453:21
crystal [3] - 1391:4, 1437:25, 1438:3
culminating [1] - 1519:3
cultural [1] - 1409:21
Culture [1] - 1500:3
culture [8] - 1380:20, 1382:4, 1382:18, 1404:19, 1409:10, 1479:20, 1482:3
Cup [3] - 1435:11, 1435:19, 1438:22
curved [1] - 1496:6
custody [1] - 1483:21
custom [1] - 1393:4
customarily [1] - 1416:16
cut [1] - 1359:10
cut-down [1] - 1359:10
cuts [1] - 1392:11
cutting [1] - 1354:8

D

D-1 [4] - 1364:2, 1365:12, 1366:21
D-2 [8] - 1363:7, 1364:3, 1365:12, 1366:19, 1366:20, 1366:24, 1366:25
D-3 [3] - 1363:6, 1364:3, 1365:12
dad [1] - 1383:3
daily [1] - 1415:14
damage [1] - 1399:11
damaging [1] - 1402:2
damning [3] - 1389:20, 1491:15, 1518:2
danger [2] - 1386:13, 1431:3
dangers [1] - 1390:14
dared [1] - 1516:5
darkness [1] - 1384:19
dashboard [1] - 1388:2
date [7] - 1415:8, 1421:17, 1454:22, 1468:14, 1477:5, 1477:15, 1494:24
dated [2] - 1424:6, 1494:24
dates [2] - 1466:9, 1476:16
daughter [54] - 1348:10, 1352:11, 1377:15, 1389:7, 1390:1, 1391:25, 1392:1, 1392:2, 1393:5, 1406:23, 1409:25, 1420:5, 1421:4, 1423:10, 1426:13, 1429:17, 1432:20, 1436:13,

1443:23, 1444:4, 1445:6, 1445:8, 1445:13, 1446:10, 1446:12, 1450:14, 1450:24, 1451:4, 1453:8, 1457:16, 1459:18, 1460:3, 1466:2, 1474:22, 1476:3, 1478:16, 1480:7, 1482:21, 1497:23, 1506:8, 1513:2, 1515:14, 1517:9, 1518:17, 1518:19, 1519:13, 1521:17, 1525:14, 1525:18, 1526:10, 1531:12, 1532:23
daughters [12] - 1385:13, 1385:17, 1386:10, 1387:15, 1388:20, 1390:10, 1393:11, 1394:16, 1398:24, 1453:23, 1467:4, 1533:2
daughters' [1] - 1466:7
David [1] - 1346:10
day's [1] - 1500:19
daylight [1] - 1455:15
days [29] - 1347:20, 1378:11, 1383:14, 1386:12, 1386:19, 1386:23, 1388:16, 1388:22, 1391:1, 1394:13, 1416:12, 1442:16, 1445:1, 1467:13, 1471:20, 1475:8, 1476:6, 1480:4, 1482:6, 1500:24, 1517:15, 1517:18, 1517:21, 1517:22, 1518:18, 1519:22, 1523:24, 1523:25
dead [16] - 1378:2, 1392:18, 1394:14, 1399:6, 1399:8, 1402:10, 1479:4, 1479:17, 1479:19, 1494:12, 1507:22, 1522:24, 1524:2, 1526:18, 1532:25
dead-bang [1] - 1479:4
deadlines [1] - 1377:10
deadly [2] - 1388:18, 1423:1
deal [13] - 1350:23, 1350:24, 1414:8, 1461:12, 1461:13, 1462:25, 1463:1, 1463:17, 1481:10, 1508:14, 1530:10, 1530:11, 1531:5
dealing [5] - 1351:1, 1448:19, 1480:11, 1487:10
death [8] - 1377:12, 1395:22, 1432:2, 1440:12, 1466:4, 1481:20, 1481:25, 1482:25
deaths [1] - 1401:10
debate [1] - 1425:10
December [2] - 1408:25, 1424:6
decent [1] - 1408:14
decide [6] - 1406:8, 1431:20, 1436:23, 1440:16, 1457:9, 1482:13
decided [6] - 1367:16, 1372:5, 1413:1, 1484:2, 1504:19, 1521:9
decides [1] - 1433:3
decision [6] - 1368:12, 1368:16, 1385:4, 1422:22, 1488:22, 1534:2
decisions [5] - 1422:20, 1422:24, 1432:13, 1481:17, 1490:17
Decisions [2] - 1422:20, 1422:22
declaration [2] - 1500:15, 1500:23
defeat [1] - 1356:6
defend [2] - 1426:8, 1500:16
DEFENDANT [9] - 1345:16, 1345:18, 1367:25, 1368:6, 1368:10, 1368:14,

1368:18, 1369:3, 1369:6
defendant [201] - 1344:8, 1345:13, 1353:1, 1367:14, 1368:23, 1374:10, 1377:6, 1377:13, 1377:16, 1377:17, 1377:18, 1378:4, 1378:12, 1378:18, 1379:4, 1379:16, 1381:5, 1381:16, 1382:1, 1382:4, 1382:9, 1382:17, 1382:21, 1383:18, 1384:6, 1384:11, 1385:5, 1385:7, 1389:3, 1389:6, 1389:20, 1389:22, 1390:5, 1390:15, 1390:16, 1390:18, 1390:21, 1390:24, 1391:3, 1391:5, 1391:7, 1391:8, 1391:15, 1391:21, 1392:3, 1392:5, 1392:17, 1393:16, 1393:18, 1393:21, 1394:1, 1394:7, 1394:9, 1398:14, 1398:18, 1399:4, 1399:7, 1399:17, 1399:20, 1399:24, 1400:22, 1400:24, 1403:1, 1403:9, 1403:14, 1403:17, 1404:1, 1404:3, 1405:8, 1406:2, 1406:5, 1407:7, 1407:25, 1408:5, 1408:7, 1408:23, 1408:25, 1409:1, 1410:3, 1410:5, 1412:13, 1412:16, 1412:24, 1413:3, 1413:10, 1413:13, 1413:16, 1413:23, 1413:25, 1414:16, 1414:25, 1415:3, 1415:6, 1415:14, 1416:11, 1416:15, 1416:20, 1417:3, 1417:14, 1417:20, 1417:23, 1418:3, 1418:7, 1418:14, 1418:16, 1419:13, 1419:18, 1419:24, 1420:13, 1420:18, 1420:24, 1421:2, 1421:12, 1421:18, 1421:19, 1421:24, 1422:2, 1422:5, 1422:7, 1422:9, 1422:12, 1422:15, 1423:4, 1423:7, 1423:12, 1423:19, 1424:25, 1425:5, 1425:23, 1425:25, 1426:3, 1426:6, 1426:7, 1426:9, 1426:18, 1426:22, 1427:5, 1427:11, 1427:13, 1427:25, 1428:14, 1428:22, 1431:15, 1431:25, 1432:14, 1432:18, 1432:25, 1433:5, 1434:3, 1434:5, 1448:22, 1457:8, 1474:7, 1475:16, 1485:18, 1490:1, 1490:4, 1491:20, 1492:1, 1492:25, 1493:9, 1493:18, 1493:21, 1494:13, 1499:21, 1501:21, 1501:22, 1502:24, 1516:17, 1516:25, 1517:20, 1518:3, 1518:19, 1519:25, 1520:16, 1521:6, 1521:9, 1521:11, 1521:20, 1522:1, 1522:19, 1523:5, 1523:21, 1523:22, 1523:23, 1524:5, 1524:18, 1524:20, 1524:25, 1525:9, 1525:11, 1526:23, 1530:7, 1531:8, 1531:10, 1531:17, 1531:20, 1531:25
Defendant [22] - 1344:19, 1405:3, 1405:13, 1405:16, 1405:20, 1405:23, 1405:25, 1410:9, 1410:11, 1410:14, 1419:21, 1518:20, 1518:24, 1519:4, 1519:8, 1519:11, 1519:16, 1519:18, 1524:14, 1524:16, 1525:25, 1526:3
Defendant's [17] - 1346:7, 1346:10, 1347:13, 1363:5, 1363:14, 1367:6, 1376:8, 1376:10, 1436:11, 1438:22, 1440:6, 1445:19, 1447:10, 1449:19,

1494:20, 1536:6
defendant's [60] - 1361:22, 1377:25, 1378:10, 1378:21, 1382:16, 1388:24, 1389:19, 1389:25, 1390:1, 1390:17, 1391:18, 1391:20, 1391:25, 1393:11, 1395:3, 1401:21, 1401:23, 1401:25, 1402:7, 1402:13, 1402:17, 1403:6, 1403:7, 1403:24, 1406:1, 1406:23, 1411:10, 1411:23, 1414:8, 1415:15, 1417:12, 1417:18, 1418:20, 1418:21, 1418:24, 1419:4, 1428:3, 1428:24, 1432:11, 1493:2, 1494:16, 1497:12, 1498:14, 1499:4, 1502:5, 1502:24, 1512:7, 1517:10, 1517:24, 1518:3, 1518:7, 1518:17, 1520:23, 1521:25, 1522:12, 1525:2, 1530:1, 1532:12, 1532:13
defendants [2] - 1374:12, 1431:17
Defense [6] - 1430:12, 1430:14, 1491:24, 1495:11, 1501:9, 1516:1
defense [66] - 1346:14, 1350:10, 1350:18, 1351:2, 1353:24, 1354:15, 1357:16, 1357:24, 1359:9, 1367:13, 1367:21, 1368:22, 1369:12, 1370:24, 1371:20, 1371:24, 1373:18, 1373:20, 1374:20, 1376:7, 1376:11, 1376:18, 1407:22, 1417:2, 1425:19, 1428:10, 1429:7, 1430:1, 1430:10, 1430:18, 1433:8, 1433:20, 1434:23, 1436:9, 1441:20, 1443:10, 1444:15, 1449:16, 1449:20, 1456:23, 1457:10, 1487:9, 1491:6, 1491:14, 1491:18, 1492:2, 1494:16, 1496:19, 1496:22, 1496:25, 1497:2, 1497:3, 1498:9, 1501:10, 1501:11, 1501:25, 1502:3, 1506:24, 1508:14, 1516:15, 1516:17, 1526:13, 1528:4, 1529:23
defying [1] - 1483:5
delay [1] - 1351:3
deliberate [1] - 1381:3
deliberations [9] - 1403:13, 1427:20, 1431:22, 1433:10, 1435:2, 1439:19, 1491:1, 1529:21, 1533:20
deliver [1] - 1493:24
deliverance [1] - 1500:8
delivered [6] - 1377:11, 1432:2, 1435:2, 1491:21, 1517:20, 1518:8
delivering [2] - 1517:14, 1526:16
demand [1] - 1388:25
demanding [1] - 1400:9
demeanor [3] - 1509:17, 1509:18, 1510:13
democratic [1] - 1471:8
democratically [1] - 1471:24
demonstrate [2] - 1379:3, 1410:1
demonstrated [1] - 1395:11
denials [2] - 1525:16, 1525:17
denied [8] - 1400:16, 1404:1, 1412:23, 1413:8, 1424:23, 1474:3, 1474:11, 1512:10

denies [3] - 1388:7, 1474:14
deny [2] - 1392:5, 1528:24
Department [1] - 1345:8
DEPUTY [5] - 1345:2, 1359:4, 1373:15, 1375:4, 1434:2
describe [2] - 1438:20, 1503:22
described [15] - 1429:11, 1438:4, 1443:4, 1443:7, 1458:11, 1469:15, 1483:15, 1483:18, 1495:24, 1496:6, 1496:7, 1496:8, 1509:12, 1515:19
describes [5] - 1438:18, 1450:4, 1450:12, 1452:20, 1510:11
describing [4] - 1443:4, 1511:1, 1511:2, 1511:7
desecrating [2] - 1401:6, 1418:12
deserves [1] - 1458:21
desire [1] - 1483:5
desperation [1] - 1402:8
despite [2] - 1444:6, 1490:20
destinations [1] - 1377:7
detail [1] - 1401:21
detailed [1] - 1533:14
details [4] - 1385:19, 1429:16, 1497:18, 1498:1
determination [4] - 1402:8, 1449:23, 1478:14, 1530:20
determinations [1] - 1437:3
determine [3] - 1407:11, 1457:3, 1488:24
determined [1] - 1420:9
determining [1] - 1488:21
devastating [2] - 1501:20, 1501:21
devastation [1] - 1401:18
developed [1] - 1381:13
develops [1] - 1364:18
deviation [1] - 1417:9
device [1] - 1434:17
devotion [1] - 1500:9
diagram [6] - 1347:19, 1348:9, 1348:23, 1355:6, 1355:18, 1440:8
dialing [1] - 1522:6
diametrically [1] - 1510:10
die [1] - 1393:6
died [3] - 1378:21, 1479:16, 1487:19
difference [2] - 1357:3, 1449:18
differences [1] - 1441:2
different [18] - 1349:2, 1352:12, 1353:16, 1355:19, 1380:2, 1380:20, 1381:17, 1412:15, 1436:25, 1437:6, 1441:16, 1446:22, 1447:8, 1454:21, 1477:14, 1509:21, 1510:20, 1516:11
difficult [4] - 1431:24, 1441:25, 1499:10, 1503:14
difficulty [1] - 1441:14
digested [1] - 1479:20
dignity [1] - 1398:25
diligently [1] - 1346:13
dinner [1] - 1475:14
direct [8] - 1382:24, 1383:20, 1389:5,

1396:9, 1397:10, 1409:14, 1422:10, 1423:11
directed [3] - 1377:6, 1425:7, 1532:22
directing [4] - 1420:24, 1459:8, 1459:21, 1520:6
direction [7] - 1377:19, 1452:21, 1452:25, 1455:22, 1456:9, 1464:12, 1531:14
directly [2] - 1388:25, 1526:23
directs [1] - 1441:23
disagreed [3] - 1365:25, 1366:1, 1366:3
disagreement [2] - 1360:13, 1366:6
disappearance [1] - 1387:13
disappeared [1] - 1400:6
disciplined [1] - 1473:21
discounted [1] - 1498:17
discovered [3] - 1382:1, 1382:14, 1382:15
discredit [1] - 1498:19
discuss [10] - 1368:12, 1368:15, 1368:25, 1369:2, 1387:2, 1387:7, 1462:5, 1473:4, 1480:23, 1497:6
discussed [5] - 1354:16, 1460:23, 1462:20, 1480:24, 1513:17
discussing [4] - 1386:25, 1455:2, 1462:15, 1523:12
discussion [8] - 1347:20, 1350:21, 1351:21, 1357:19, 1361:18, 1362:11, 1368:22, 1468:17
discussions [1] - 1468:11
disgraces [1] - 1393:5
dishonor [2] - 1392:2, 1409:16
dishonored [2] - 1393:2, 1423:10
dismissed [1] - 1529:25
disobeying [1] - 1382:10
disposal [1] - 1352:2
dispute [5] - 1354:6, 1408:4, 1426:9, 1486:20, 1517:1
disregard [1] - 1407:17
disregarded [1] - 1448:4
disregarding [1] - 1430:5
disrespectful [1] - 1440:12
disrupted [2] - 1409:13, 1409:17
distance [3] - 1355:8, 1503:15, 1503:18
distant [1] - 1437:10
distinctive [1] - 1424:16
DISTRICT [3] - 1344:1, 1344:1, 1344:12
district [1] - 1490:18
District [3] - 1344:15, 1380:11, 1487:25
DMV [1] - 1470:9
document [70] - 1347:15, 1347:18, 1347:23, 1347:24, 1348:2, 1348:4, 1348:13, 1348:14, 1348:21, 1348:23, 1349:6, 1349:10, 1349:13, 1349:15, 1349:16, 1352:5, 1352:16, 1352:22, 1353:2, 1353:6, 1353:11, 1354:5, 1354:21, 1355:22, 1355:25, 1356:24, 1357:5, 1357:14, 1357:15, 1357:16, 1358:17, 1359:11, 1359:16, 1359:20, 1359:25, 1360:15, 1360:22, 1360:24,

1361:11, 1364:1, 1365:1, 1366:1,
1366:13, 1413:21, 1423:23, 1424:5,
1424:12, 1424:14, 1424:18, 1424:23,
1430:15, 1430:19, 1430:23, 1431:1,
1439:2, 1439:11, 1439:21, 1439:22,
1466:19, 1494:21, 1494:23, 1494:25,
1495:13, 1495:17, 1530:24
documentary [2] - 1491:11, 1511:14
documents [7] - 1355:3, 1381:1,
1424:21, 1431:4, 1456:21, 1464:19,
1531:6
dollars [1] - 1478:3
Dominican [1] - 1476:24
done [35] - 1349:24, 1351:14, 1351:15,
1358:14, 1360:5, 1361:4, 1365:25,
1366:7, 1372:14, 1391:12, 1402:13,
1405:12, 1405:13, 1417:8, 1431:16,
1457:10, 1466:17, 1466:18, 1467:10,
1467:12, 1481:11, 1482:1, 1482:2,
1494:3, 1494:5, 1524:9, 1524:12,
1524:13, 1524:14, 1524:15, 1524:16,
1524:18, 1529:14, 1532:19
door [1] - 1496:8
doorway [1] - 1504:15
doubt [14] - 1368:8, 1374:11, 1379:3,
1399:23, 1407:22, 1420:16, 1428:14,
1428:25, 1430:20, 1430:24, 1431:15,
1457:4, 1457:6, 1488:12
down [33] - 1349:19, 1350:22, 1359:10,
1377:25, 1378:12, 1383:17, 1394:12,
1394:14, 1410:11, 1416:13, 1429:21,
1429:22, 1437:12, 1439:24, 1439:25,
1440:3, 1440:5, 1440:10, 1443:12,
1451:9, 1451:22, 1454:7, 1456:6,
1456:12, 1459:3, 1459:22, 1478:18,
1484:11, 1487:5, 1504:15, 1517:17,
1519:21, 1532:9
downplay [1] - 1461:10
downplaying [1] - 1437:15
downstairs [1] - 1435:3
drafted [1] - 1495:13
drama [1] - 1482:17
draw [4] - 1358:10, 1505:5, 1506:21,
1507:10
drawing [1] - 1447:9
dress [1] - 1506:10
drew [1] - 1495:24
drive [8] - 1422:20, 1422:21, 1436:15,
1443:15, 1508:25, 1509:22, 1510:14,
1511:16
driver [13] - 1443:10, 1444:9, 1444:25,
1446:12, 1451:17, 1451:24, 1453:10,
1471:19, 1498:21, 1508:4, 1508:21,
1509:19, 1510:13
driver's [1] - 1470:9
drivers [2] - 1509:16, 1509:18
drives [9] - 1442:7, 1442:12, 1442:19,
1442:24, 1451:2, 1451:4, 1510:14,
1510:18, 1512:3
driving [9] - 1347:6, 1418:7, 1450:19,

1450:22, 1452:18, 1454:2, 1476:3,
1509:15, 1513:15
dropped [3] - 1415:19, 1476:2, 1514:18
drops [2] - 1510:20, 1521:14
drove [5] - 1377:7, 1387:16, 1394:24,
1445:2, 1510:11
dumb [1] - 1524:22
dupatta [2] - 1505:9, 1505:11
uplications [1] - 1353:15
uplicative [2] - 1360:23, 1361:7
During [2] - 1417:4, 1426:6
during [34] - 1359:23, 1379:5, 1386:23,
1390:16, 1391:7, 1392:16, 1403:13,
1404:2, 1404:8, 1414:9, 1414:20,
1415:12, 1415:21, 1418:17, 1421:3,
1421:5, 1421:24, 1422:16, 1423:20,
1427:12, 1432:5, 1436:16, 1445:20,
1449:14, 1474:10, 1474:20, 1480:3,
1480:5, 1486:15, 1489:3, 1522:11,
1524:7, 1530:5, 1531:11
duties [1] - 1459:25
duty [2] - 1447:2, 1459:13
dying [3] - 1479:16, 1479:17, 1532:21

E

e-mail [1] - 1381:14
E-mail [1] - 1344:24
early [9] - 1384:17, 1388:9, 1398:12,
1401:8, 1402:24, 1412:11, 1412:16,
1413:4, 1520:15
ears [1] - 1386:9
easily [3] - 1471:3, 1479:19, 1479:21
East [1] - 1344:15
EASTERN [1] - 1344:1
Eastern [3] - 1344:15, 1380:11, 1487:25
easy [2] - 1461:9, 1488:15
edits [4] - 1357:23, 1357:24, 1358:22
effort [2] - 1457:25, 1458:1
efforts [1] - 1478:15
eight [6] - 1345:2, 1444:23, 1463:9,
1463:17, 1472:9, 1476:10
either [15] - 1374:24, 1392:22, 1393:6,
1435:17, 1448:13, 1451:14, 1462:10,
1465:14, 1470:10, 1476:23, 1488:5,
1509:7, 1521:2, 1528:24, 1530:2
Elana [1] - 1423:23
elder [1] - 1482:1
elders [3] - 1480:22, 1481:6, 1482:24
elected [5] - 1470:13, 1470:20, 1470:22,
1471:10, 1471:24
electoral [1] - 1471:8
electricity [1] - 1370:1
element [3] - 1423:5, 1423:7, 1427:24
eleven [2] - 1451:13, 1456:1
Elmo [2] - 1364:12, 1369:25
Elmos [1] - 1434:14
eloquently [1] - 1436:7
embarrassed [1] - 1393:12
embarrassment [2] - 1399:10, 1421:5

embassy [1] - 1468:6
embellish [1] - 1458:1
emblematic [1] - 1528:24
embrace [1] - 1428:14
emotion [3] - 1429:25, 1437:15,
1440:22
emotional [3] - 1402:20, 1403:10,
1403:15
emotionally [1] - 1409:24
employ [1] - 1402:9
employed [1] - 1473:4
emptied [1] - 1396:25
empty [1] - 1402:18
encourage [2] - 1379:12, 1424:21
end [14] - 1353:10, 1370:20, 1417:6,
1439:25, 1441:18, 1458:4, 1461:3,
1461:4, 1500:11, 1500:17, 1508:3,
1519:4, 1529:6, 1532:8
ended [1] - 1418:8
endorsed [1] - 1424:19
ends [2] - 1416:21, 1445:11
engage [1] - 1465:16
engagement [1] - 1437:19
engaging [1] - 1476:2
English [14] - 1359:8, 1363:11, 1363:20,
1364:5, 1364:12, 1364:21, 1365:9,
1365:14, 1366:4, 1367:2, 1370:10,
1403:4, 1479:18, 1485:13
entered [2] - 1345:25, 1491:12
entering [1] - 1353:20
enters [6] - 1345:13, 1376:1, 1434:3,
1434:20, 1490:21, 1501:3
enthusiasm [1] - 1500:13
entire [9] - 1362:2, 1393:22, 1394:10,
1408:13, 1435:21, 1471:16, 1519:19,
1520:1, 1532:15
entirely [2] - 1429:10, 1498:20
entirety [1] - 1402:22
entitled [3] - 1432:9, 1457:8, 1488:8
entry [3] - 1352:19, 1353:23, 1354:11
Epocha [1] - 1500:5
equally [1] - 1399:12
equation [1] - 1488:1
equivalent [1] - 1466:21
errands [1] - 1451:3
escape [1] - 1385:7
escaped [2] - 1387:24, 1409:5
especially [5] - 1354:25, 1355:2,
1436:3, 1471:7, 1528:4
ESQ [4] - 1344:16, 1344:17, 1344:17,
1344:19
essential [1] - 1502:22
establish [11] - 1442:5, 1497:13,
1499:5, 1501:13, 1501:14, 1501:25,
1502:4, 1504:8, 1504:10, 1508:7,
1526:22
established [3] - 1400:19, 1499:8,
1503:11
establishes [1] - 1496:20

establishing [1] - 1515:25
estimations [1] - 1448:5
ether [1] - 1357:9
Europe [1] - 1460:19
evaluate [3] - 1441:4, 1488:1, 1488:5
evaluating [4] - 1437:6, 1440:23, 1449:2, 1463:14
eve [1] - 1529:17
evening [4] - 1373:2, 1388:10, 1534:3, 1534:12
event [9] - 1364:17, 1369:19, 1424:25, 1435:24, 1441:16, 1481:24, 1494:2, 1494:24, 1518:9
events [11] - 1381:7, 1385:15, 1400:2, 1429:2, 1431:2, 1432:4, 1447:1, 1475:18, 1494:2, 1495:25, 1515:8
eventually [4] - 1381:23, 1406:15, 1453:3, 1459:24
everywhere [2] - 1386:13, 1398:23
evidence [103] - 1346:4, 1348:13, 1349:8, 1349:18, 1354:21, 1359:7, 1364:11, 1369:14, 1371:15, 1372:21, 1372:23, 1372:25, 1376:8, 1376:10, 1376:16, 1379:1, 1379:6, 1379:8, 1379:14, 1379:25, 1380:10, 1380:12, 1380:19, 1380:24, 1381:1, 1381:4, 1402:23, 1404:25, 1407:6, 1413:12, 1413:21, 1414:4, 1414:5, 1414:14, 1417:25, 1418:1, 1418:22, 1419:12, 1421:11, 1423:13, 1423:25, 1428:6, 1428:7, 1428:16, 1428:17, 1428:18, 1428:21, 1430:7, 1430:8, 1430:9, 1431:9, 1431:10, 1431:12, 1436:10, 1437:2, 1438:1, 1440:2, 1440:23, 1444:18, 1446:17, 1447:5, 1448:2, 1448:3, 1449:1, 1449:3, 1449:25, 1454:8, 1456:21, 1470:6, 1471:15, 1472:23, 1476:17, 1478:23, 1481:14, 1482:14, 1482:18, 1483:7, 1487:22, 1488:5, 1488:17, 1488:24, 1490:19, 1491:7, 1491:8, 1491:10, 1491:12, 1491:15, 1494:22, 1494:25, 1495:4, 1495:12, 1501:20, 1501:21, 1506:2, 1506:17, 1507:10, 1511:15, 1526:20, 1533:12
evolution [1] - 1471:11
Ewing [2] - 1409:11, 1409:15
Ewing's [1] - 1409:14
exact [2] - 1423:1, 1462:18
exactly [18] - 1349:24, 1378:5, 1385:18, 1396:23, 1402:9, 1413:15, 1416:8, 1424:15, 1428:4, 1430:18, 1430:20, 1431:16, 1458:10, 1462:12, 1482:1, 1523:23, 1525:3
exaggerate [1] - 1411:20
exaggerating [1] - 1528:9
exaggeration [3] - 1402:19, 1479:7, 1493:10
examination [10] - 1382:24, 1383:20, 1389:5, 1395:3, 1404:9, 1415:15,

1417:12, 1441:15, 1459:11, 1507:3
examined [1] - 1401:21
examining [1] - 1417:13
example [7] - 1355:7, 1404:20, 1405:9, 1409:25, 1452:11, 1474:21, 1476:9
examples [1] - 1470:10
except [1] - 1350:10
excerpts [1] - 1369:15
excised [1] - 1356:21
excitement [1] - 1384:21
exciting [1] - 1435:15
excluding [1] - 1417:5
excuse [1] - 1393:24
excuses [4] - 1437:20, 1441:1, 1448:25, 1488:4
executed [1] - 1377:6
exercise [1] - 1359:19
exhibit [16] - 1363:12, 1364:16, 1384:10, 1430:12, 1436:10, 1438:2, 1438:10, 1438:24, 1441:8, 1463:2, 1467:18, 1470:5, 1496:18, 1496:20, 1496:23, 1514:11
Exhibit [74] - 1346:8, 1346:10, 1363:5, 1363:14, 1364:4, 1364:5, 1367:2, 1367:6, 1370:10, 1376:10, 1377:22, 1378:12, 1384:9, 1387:19, 1390:20, 1391:9, 1392:8, 1392:20, 1393:15, 1394:6, 1398:21, 1400:19, 1405:2, 1405:10, 1410:6, 1414:14, 1415:10, 1416:9, 1417:1, 1417:18, 1418:6, 1418:23, 1419:8, 1419:12, 1419:15, 1419:23, 1421:11, 1421:13, 1423:25, 1424:5, 1424:17, 1424:18, 1424:20, 1424:22, 1425:13, 1427:18, 1430:12, 1430:14, 1436:11, 1438:8, 1438:23, 1440:5, 1440:6, 1440:7, 1445:19, 1447:10, 1465:10, 1467:17, 1494:20, 1495:11, 1495:23, 1496:5, 1496:8, 1506:2, 1506:7, 1507:24, 1511:18, 1514:12, 1514:20, 1515:1, 1518:13, 1520:23, 1524:8, 1536:6
exhibits [3] - 1379:2, 1488:18, 1490:10
Exhibits [4] - 1346:3, 1408:21, 1426:1, 1536:4
exists [1] - 1494:23
exits [4] - 1433:14, 1489:16, 1499:19, 1534:6
expect [5] - 1380:4, 1408:4, 1411:10, 1428:11, 1479:10
expected [3] - 1384:13, 1384:14
experience [3] - 1371:8, 1458:16, 1531:23
experienced [1] - 1401:18
experiencing [1] - 1384:20
expert [4] - 1409:12, 1464:16, 1480:21, 1480:22
explain [18] - 1379:24, 1380:4, 1385:3, 1425:5, 1428:12, 1444:25, 1449:20, 1453:6, 1454:12, 1454:13, 1454:16, 1454:21, 1484:9, 1484:11, 1484:19,

1488:11, 1502:1
explained [21] - 1378:24, 1379:13, 1385:2, 1402:12, 1404:18, 1428:11, 1453:10, 1480:22, 1492:15, 1492:18, 1508:17, 1508:23, 1509:9, 1509:15, 1509:21, 1510:1, 1510:5, 1510:22, 1514:14, 1514:17, 1530:25
explaining [2] - 1484:16, 1515:1
explains [1] - 1392:17
explanation [3] - 1449:7, 1449:8, 1449:12
explanatory [1] - 1420:23
explicit [4] - 1403:21, 1427:17, 1511:9, 1518:16
expression [1] - 1355:17
expressions [1] - 1479:17
extended [2] - 1468:24, 1476:18
extent [4] - 1347:22, 1349:17, 1387:11, 1402:8
extraordinarily [1] - 1407:3
eyewitness [3] - 1400:2, 1413:12, 1498:22
eyewitnesses [3] - 1401:24, 1446:18, 1472:16

F

fabricated [2] - 1429:15, 1467:23
face [11] - 1385:3, 1385:10, 1393:24, 1398:25, 1460:8, 1467:25, 1472:20, 1505:24, 1506:1
face-to-face [1] - 1385:10
Facebook [1] - 1381:15
faces [1] - 1503:19
facial [1] - 1503:24
facilitate [1] - 1419:4
facility [1] - 1364:18
facing [1] - 1496:16
Facsimile [1] - 1344:23
fact [39] - 1353:18, 1354:20, 1355:4, 1362:1, 1371:20, 1373:2, 1381:24, 1385:20, 1403:15, 1404:1, 1407:1, 1420:5, 1429:14, 1435:18, 1437:4, 1437:21, 1438:17, 1442:6, 1445:5, 1445:22, 1445:24, 1446:9, 1447:1, 1447:8, 1457:12, 1463:4, 1466:13, 1469:3, 1474:11, 1474:18, 1483:18, 1490:20, 1491:25, 1493:12, 1498:19, 1511:6, 1520:18, 1529:17, 1530:4
facts [4] - 1379:13, 1442:7, 1466:9, 1491:9
faded [1] - 1412:21
failed [1] - 1436:15
failings [1] - 1444:6
Fair [1] - 1346:19
fair [3] - 1363:12, 1365:16, 1529:9
fairly [2] - 1351:10, 1487:14
fairness [1] - 1349:21
faithfully [1] - 1487:14
false [4] - 1407:17, 1461:15, 1525:16,

1530:1
falsely [1] - 1531:10
families [4] - 1393:1, 1463:19, 1465:15, 1466:13
family [141] - 1377:17, 1377:21, 1378:6, 1378:9, 1381:6, 1381:21, 1382:14, 1385:2, 1385:5, 1385:7, 1385:12, 1385:15, 1385:18, 1385:21, 1386:5, 1386:6, 1386:14, 1386:17, 1386:20, 1386:21, 1386:24, 1389:23, 1390:6, 1390:14, 1391:3, 1391:5, 1391:11, 1391:25, 1392:4, 1392:18, 1394:11, 1394:18, 1395:14, 1395:18, 1395:25, 1397:5, 1398:22, 1399:21, 1400:7, 1400:8, 1400:23, 1404:19, 1405:6, 1406:21, 1408:13, 1408:14, 1412:12, 1413:1, 1413:4, 1413:11, 1413:19, 1414:19, 1415:24, 1416:3, 1416:5, 1416:14, 1419:5, 1420:2, 1421:7, 1422:18, 1422:19, 1422:25, 1426:3, 1427:14, 1432:8, 1432:11, 1432:16, 1437:16, 1444:11, 1444:21, 1445:4, 1450:23, 1452:18, 1461:1, 1463:18, 1463:20, 1464:3, 1464:12, 1464:17, 1465:10, 1465:11, 1465:15, 1468:1, 1468:12, 1469:11, 1469:20, 1470:14, 1470:17, 1471:22, 1472:4, 1472:19, 1474:7, 1476:18, 1476:21, 1476:24, 1477:6, 1477:24, 1478:5, 1479:13, 1480:10, 1481:11, 1481:20, 1481:25, 1482:10, 1482:18, 1483:1, 1483:16, 1488:7, 1493:3, 1493:6, 1493:16, 1493:20, 1497:12, 1498:14, 1498:15, 1499:4, 1501:22, 1502:6, 1502:12, 1502:13, 1502:25, 1504:6, 1512:7, 1512:19, 1517:2, 1517:11, 1517:24, 1518:3, 1519:19, 1520:1, 1520:4, 1520:5, 1520:6, 1524:20, 1531:24, 1532:4, 1532:15, 1532:21
family's [7] - 1384:23, 1386:11, 1391:19, 1391:25, 1409:20, 1413:6, 1482:25
fancier [1] - 1477:21
far [8] - 1380:20, 1401:23, 1416:5, 1421:14, 1421:18, 1480:1, 1503:17, 1525:23
fare [7] - 1416:20, 1416:21, 1416:22, 1418:8, 1521:12, 1521:14, 1521:16
fares [4] - 1443:12, 1509:1, 1509:14
fashion [2] - 1349:12, 1360:17
fatal [1] - 1432:7
fate [2] - 1519:5
fateful [1] - 1394:5
father [53] - 1377:21, 1377:22, 1381:21, 1382:8, 1382:11, 1382:20, 1383:7, 1383:23, 1387:21, 1388:4, 1396:3, 1399:6, 1399:16, 1402:19, 1404:11, 1407:7, 1407:25, 1408:2, 1408:18, 1409:7, 1411:15, 1412:2, 1412:6, 1412:13, 1413:2, 1416:19, 1419:16,

1424:24, 1432:18, 1467:12, 1468:7, 1473:12, 1473:18, 1473:20, 1474:3, 1474:11, 1492:13, 1492:15, 1497:20, 1507:22, 1511:19, 1512:24, 1515:18, 1518:22, 1518:24, 1520:10, 1520:11, 1521:5, 1521:18, 1523:10, 1523:19, 1526:6, 1528:19
father's [11] - 1393:14, 1398:5, 1399:15, 1401:9, 1411:20, 1450:24, 1450:25, 1519:5, 1526:3, 1526:7, 1531:14
favorable [1] - 1354:8
fear [9] - 1388:21, 1395:15, 1395:16, 1401:17, 1422:19, 1422:20, 1452:23, 1473:18, 1482:9
February [44] - 1378:10, 1390:17, 1391:1, 1391:8, 1392:16, 1393:13, 1398:18, 1403:8, 1404:3, 1404:11, 1405:10, 1412:12, 1414:11, 1415:9, 1415:13, 1416:11, 1416:12, 1417:7, 1417:19, 1418:7, 1419:1, 1419:12, 1421:6, 1421:8, 1422:6, 1422:9, 1426:23, 1427:9, 1427:12, 1429:2, 1436:14, 1439:12, 1439:22, 1474:25, 1480:4, 1483:14, 1494:24, 1517:4, 1517:18, 1518:18, 1520:14, 1520:15
federal [7] - 1380:9, 1390:12, 1461:10, 1463:7, 1471:23, 1478:11, 1530:3
feelings [1] - 1384:20
feet [3] - 1503:16, 1503:17, 1503:21
fell [1] - 1407:19
fellow [2] - 1450:20, 1461:25
felt [3] - 1401:18, 1429:12, 1432:8
FERRARI [1] - 1492:10
festival [1] - 1500:7
feud [1] - 1386:25
few [17] - 1347:20, 1382:13, 1386:12, 1386:16, 1388:22, 1391:1, 1391:18, 1400:6, 1400:16, 1416:6, 1438:21, 1441:3, 1447:23, 1476:9, 1482:6, 1491:5, 1531:19
fight [2] - 1426:12, 1426:14
figure [3] - 1439:20, 1486:12, 1488:2
Fihad [1] - 1523:18
file [1] - 1468:16
filed [2] - 1468:8, 1531:12
filling [1] - 1465:18
filled [1] - 1377:9
filling [1] - 1463:20
final [15] - 1349:23, 1351:25, 1379:22, 1392:16, 1405:17, 1419:11, 1427:24, 1494:10, 1518:8, 1519:1, 1521:12, 1525:1, 1525:2, 1525:3
Finally [2] - 1421:21, 1513:5
finally [6] - 1398:4, 1468:5, 1488:6, 1504:15, 1504:19, 1518:8
fine [5] - 1362:7, 1363:13, 1365:5, 1367:9, 1378:15
finger [1] - 1439:6
finish [1] - 1435:18
finished [1] - 1398:19

finishes [1] - 1425:17
fire [2] - 1387:18, 1400:12
fired [3] - 1426:15, 1426:20, 1455:21
firing [3] - 1459:3, 1504:3, 1504:6
firings [2] - 1494:3, 1494:5
First [13] - 1406:5, 1407:18, 1415:18, 1491:13, 1492:4, 1497:16, 1498:11, 1499:2, 1499:9, 1501:14, 1503:13, 1513:19, 1516:24
first [50] - 1346:5, 1349:22, 1352:7, 1353:20, 1355:4, 1358:24, 1359:24, 1360:24, 1361:6, 1363:18, 1363:21, 1370:19, 1373:21, 1374:9, 1374:10, 1374:12, 1374:14, 1374:19, 1376:17, 1379:20, 1390:17, 1391:7, 1391:23, 1392:9, 1392:25, 1393:10, 1393:12, 1400:17, 1401:1, 1403:8, 1406:3, 1407:19, 1408:12, 1411:21, 1424:1, 1426:13, 1427:9, 1447:12, 1452:6, 1464:6, 1465:20, 1491:22, 1497:6, 1502:9, 1512:9, 1524:8, 1532:18, 1533:9
fit [1] - 1509:9
five [14] - 1377:22, 1389:8, 1389:13, 1389:18, 1390:3, 1392:8, 1399:6, 1401:3, 1403:11, 1443:15, 1448:2, 1499:14, 1529:13, 1530:22
Five [1] - 1499:15
fixes [1] - 1362:19
fleeting [1] - 1382:13
flew [2] - 1444:10, 1445:10
flight [2] - 1429:19, 1497:21
Floor [1] - 1344:19
floor [3] - 1412:13, 1412:17, 1420:2
Florida [1] - 1427:10
flown [2] - 1472:16, 1512:1
flying [3] - 1451:25, 1470:19, 1493:11
focus [2] - 1403:4, 1476:16
focused [1] - 1491:19
Foley [1] - 1344:22
folks [5] - 1439:3, 1445:13, 1456:18, 1461:4, 1462:14
follow [9] - 1365:6, 1380:3, 1380:22, 1388:16, 1427:19, 1431:23, 1448:4, 1493:23, 1494:9
followed [1] - 1434:24
following [10] - 1386:24, 1469:21, 1489:24, 1497:15, 1502:17, 1504:11, 1505:3, 1507:7, 1516:22, 1518:19
foolish [1] - 1381:16
FOR [1] - 1344:11
forbid [1] - 1488:8
force [1] - 1471:16
forced [1] - 1470:3
foreign [3] - 1379:17, 1379:21, 1380:7
forever [1] - 1500:12
forged [1] - 1467:23
forget [3] - 1384:7, 1392:11, 1450:20
forgive [3] - 1438:25, 1450:25, 1499:15
form [10] - 1351:11, 1354:21, 1463:21,

1467:10, 1468:6, 1473:3, 1483:25,
1484:9, 1485:8, 1530:8
formalized [1] - 1383:14
format [1] - 1350:15
forms [2] - 1469:25, 1516:11
forth [3] - 1364:2, 1366:14, 1443:18
forward [4] - 1351:5, 1384:6, 1500:12
Foster [1] - 1416:23
four [21] - 1363:15, 1364:20, 1365:10,
1366:3, 1378:11, 1394:13, 1419:8,
1475:9, 1476:11, 1509:12, 1514:3,
1514:7, 1515:3, 1517:15, 1517:18,
1517:21, 1517:22, 1518:18, 1519:22
Four [1] - 1514:3
four-page [2] - 1364:20, 1366:3
Fourteen [1] - 1418:10
fourth [2] - 1421:9, 1500:25
frame [1] - 1462:5
Franklin [1] - 1487:24
fraud [14] - 1423:17, 1423:20, 1424:4,
1425:11, 1465:4, 1466:9, 1466:16,
1467:10, 1467:15, 1467:19, 1468:1,
1468:19, 1531:9
fraudulent [2] - 1379:18, 1411:16
fraudulently [1] - 1425:1
Fred [2] - 1345:11, 1439:12
FREDERICK [1] - 1344:19
Freedom [1] - 1500:3
frequently [1] - 1426:7
Friday [2] - 1474:25, 1475:11
friend [2] - 1416:3, 1515:18
friend's [1] - 1435:22
friendly [1] - 1441:13
friends [1] - 1382:6
frightening [1] - 1346:21
front [8] - 1372:11, 1377:5, 1377:17,
1393:22, 1413:9, 1455:16, 1461:9,
1496:6
frustrated [1] - 1394:2
full [3] - 1354:13, 1385:19, 1487:18
fulsome [1] - 1348:4
fumbling [1] - 1396:7
functionally [2] - 1442:1, 1442:9
funding [1] - 1421:20
funeral [11] - 1386:17, 1399:13,
1399:15, 1399:16, 1414:19, 1422:12,
1458:12, 1506:8, 1526:4, 1526:5,
1526:7
funerals [1] - 1386:18
funny [1] - 1443:22
furious [1] - 1420:8
furtherance [3] - 1420:14, 1421:22,
1423:8
future [3] - 1386:7, 1390:2, 1391:6

G

game [10] - 1435:11, 1435:14, 1435:15,
1435:21, 1435:23, 1436:3, 1438:22,
1466:24, 1494:17, 1494:18

games [1] - 1500:10
Gandy [3] - 1345:6, 1365:21, 1431:13
GANDY [20] - 1344:17, 1351:23, 1352:3,
1357:7, 1357:21, 1358:4, 1358:14,
1358:25, 1360:21, 1361:8, 1363:1,
1363:13, 1363:17, 1363:20, 1365:18,
1366:9, 1366:11, 1367:8, 1369:21,
1489:19
gas [1] - 1472:5
gather [3] - 1346:23, 1351:13, 1510:23
gathered [1] - 1453:14
gathering [1] - 1397:25
geared [1] - 1515:24
general [2] - 1350:15, 1357:4
generations [2] - 1464:14, 1500:7
gentlemen [74] - 1376:2, 1376:14,
1377:4, 1379:12, 1390:6, 1392:15,
1393:8, 1396:22, 1400:3, 1401:11,
1401:20, 1401:25, 1402:21, 1403:12,
1404:25, 1411:22, 1413:10, 1415:2,
1415:11, 1417:8, 1417:16, 1419:2,
1419:23, 1420:6, 1421:21, 1423:2,
1425:9, 1426:2, 1428:2, 1429:7,
1429:23, 1430:22, 1431:7, 1431:11,
1432:4, 1433:6, 1434:21, 1435:9,
1489:12, 1490:23, 1491:4, 1493:22,
1494:10, 1494:22, 1495:11, 1496:11,
1497:1, 1501:5, 1501:7, 1503:16,
1505:16, 1506:10, 1507:9, 1508:10,
1508:15, 1510:12, 1511:14, 1512:17,
1513:3, 1514:4, 1514:11, 1514:25,
1515:23, 1516:7, 1516:21, 1518:25,
1519:22, 1521:20, 1522:16, 1526:8,
1526:12, 1530:10, 1532:8, 1534:7
girl [6] - 1386:4, 1443:17, 1445:1,
1458:20, 1479:15, 1482:10
girls' [1] - 1386:11
given [7] - 1381:17, 1406:21, 1409:9,
1455:23, 1481:22, 1529:8, 1529:17
Given [1] - 1406:21
gloom [1] - 1500:16
glory [1] - 1500:17
goal [4] - 1380:6, 1419:4, 1435:19,
1468:24
goals [1] - 1422:1
God [8] - 1388:2, 1391:11, 1392:12,
1446:11, 1455:16, 1488:8, 1500:9,
1500:20
goings [1] - 1414:9
gossip [1] - 1502:18
government [20] - 1406:13, 1406:16,
1406:23, 1408:6, 1420:14, 1423:6,
1426:24, 1427:5, 1427:24, 1428:13,
1431:14, 1433:17, 1466:23, 1471:11,
1490:15, 1492:8, 1530:14, 1530:18,
1531:5
Government [93] - 1344:14, 1345:7,
1349:1, 1350:15, 1351:8, 1352:15,
1353:4, 1355:14, 1359:10, 1360:19,
1368:7, 1370:5, 1370:17, 1374:12,

1374:19, 1376:20, 1399:22, 1405:2,
1405:10, 1408:21, 1410:6, 1414:14,
1415:10, 1416:9, 1417:1, 1417:18,
1418:6, 1418:22, 1419:8, 1419:12,
1419:15, 1419:23, 1421:11, 1421:13,
1423:25, 1424:5, 1424:17, 1424:18,
1424:19, 1424:22, 1425:13, 1425:25,
1436:12, 1438:7, 1439:8, 1440:5,
1440:7, 1440:13, 1443:1, 1443:9,
1443:13, 1443:23, 1444:2, 1444:12,
1446:4, 1448:11, 1449:22, 1450:4,
1457:4, 1467:17, 1468:18, 1471:13,
1473:2, 1474:4, 1474:9, 1474:11,
1475:22, 1476:8, 1477:3, 1477:9,
1477:10, 1478:9, 1480:19, 1483:8,
1485:19, 1487:6, 1488:5, 1488:9,
1489:19, 1495:23, 1496:5, 1496:8,
1506:2, 1506:7, 1507:24, 1511:18,
1514:11, 1514:20, 1514:25, 1518:13,
1520:23, 1524:8, 1534:10
government's [10] - 1409:12, 1415:5,
1425:23, 1428:6, 1428:19, 1430:7,
1430:8, 1430:24, 1431:19, 1454:4
Government's [23] - 1349:14, 1357:23,
1358:5, 1361:9, 1373:24, 1377:21,
1377:23, 1378:11, 1384:9, 1387:19,
1390:20, 1391:9, 1392:8, 1392:20,
1393:15, 1394:6, 1398:21, 1400:19,
1417:17, 1427:17, 1427:22, 1449:1
governmental [1] - 1470:21
governments [1] - 1471:8
governs [1] - 1444:19
grand [4] - 1412:10, 1412:25, 1413:8,
1424:18
grandchildren [2] - 1465:12, 1466:14
grandparents [2] - 1410:18, 1410:19
granted [2] - 1374:3, 1392:7
great [7] - 1386:7, 1414:8, 1441:14,
1457:20, 1480:9, 1500:7
greatest [1] - 1444:8
greatly [1] - 1482:17
green [2] - 1424:2
grew [1] - 1406:22
grieve [1] - 1386:19
grizzly [1] - 1515:15
grocery [1] - 1451:3
ground [1] - 1397:2
group [1] - 1388:6
grow [1] - 1533:3
growing [1] - 1386:25
guess [5] - 1449:21, 1461:6, 1466:20,
1474:5, 1481:10
guessed [1] - 1488:23
guide [3] - 1359:23, 1361:11, 1361:13
guilt [2] - 1401:23, 1513:4
guilty [23] - 1379:4, 1399:20, 1411:15,
1413:11, 1420:6, 1420:11, 1423:12,
1425:5, 1428:5, 1428:8, 1430:9,
1431:15, 1433:5, 1479:4, 1479:10,
1488:13, 1530:1, 1531:15, 1531:17,

<p>1531:18, 1533:6 Gujrat [3] - 1421:14, 1508:20, 1510:16 gun [6] - 1396:8, 1396:12, 1396:13, 1396:15, 1426:16, 1429:21 gunfire [6] - 1395:10, 1395:13, 1452:24, 1455:25, 1460:6, 1532:5 gunmen [5] - 1450:11, 1452:19, 1453:1, 1456:14 gunned [3] - 1377:25, 1394:14, 1429:22 guns [15] - 1378:2, 1401:6, 1418:11, 1451:14, 1451:21, 1452:12, 1455:9, 1455:18, 1455:20, 1456:1, 1459:3, 1496:16, 1500:10, 1501:19, 1515:13 gunshots [4] - 1395:17, 1452:6, 1457:17, 1459:7 gutter [1] - 1378:3 guttural [2] - 1476:2, 1478:16 guy [6] - 1443:11, 1459:16, 1459:17, 1466:16, 1466:24, 1517:6 guys [4] - 1365:24, 1389:24, 1446:3, 1451:13</p>	<p>Hardly [1] - 1520:19 hardly [1] - 1520:19 harkening [1] - 1438:21 harm [4] - 1391:12, 1403:20, 1473:19, 1483:5 harmed [1] - 1455:11 hashmark [1] - 1358:14 he/we [1] - 1474:18 head [15] - 1453:2, 1453:17, 1472:19, 1504:12, 1505:1, 1505:4, 1505:9, 1505:15, 1505:17, 1505:19, 1505:23, 1506:5, 1506:12, 1507:1 heading [1] - 1510:24 heads [1] - 1384:24 heads-up [1] - 1384:24 hear [23] - 1350:6, 1354:15, 1376:17, 1383:4, 1397:12, 1397:23, 1403:6, 1425:18, 1430:11, 1433:8, 1451:21, 1457:7, 1457:21, 1458:4, 1458:17, 1458:24, 1467:16, 1467:21, 1479:14, 1487:6, 1490:23, 1502:15 heard [94] - 1352:4, 1380:19, 1381:2, 1383:12, 1384:12, 1385:14, 1386:18, 1388:22, 1390:4, 1391:24, 1395:9, 1395:17, 1395:25, 1397:8, 1397:20, 1398:4, 1401:13, 1402:4, 1409:10, 1411:13, 1411:18, 1412:4, 1414:4, 1423:22, 1424:1, 1427:8, 1428:10, 1428:23, 1430:10, 1430:23, 1430:25, 1432:5, 1438:7, 1442:21, 1442:22, 1444:13, 1444:22, 1445:19, 1446:4, 1453:9, 1453:14, 1455:12, 1455:13, 1455:24, 1456:17, 1457:17, 1458:19, 1459:4, 1459:6, 1459:7, 1460:6, 1460:24, 1461:23, 1464:12, 1464:16, 1465:20, 1468:8, 1469:7, 1470:6, 1470:23, 1472:2, 1472:3, 1472:4, 1472:6, 1472:9, 1472:17, 1473:20, 1476:18, 1477:2, 1477:23, 1477:24, 1478:20, 1480:15, 1480:16, 1480:18, 1481:14, 1482:2, 1482:18, 1485:24, 1488:17, 1491:13, 1491:16, 1495:23, 1498:14, 1498:16, 1502:11, 1504:4, 1505:22, 1512:2, 1531:21, 1532:5, 1533:13 hearing [4] - 1390:5, 1452:5, 1454:7, 1515:17 hearsay [1] - 1352:21 heart [1] - 1437:18 heartbreaking [1] - 1403:10 Hebrews [1] - 1346:20 Heck [2] - 1402:24, 1427:1 Hector [5] - 1345:6, 1373:24, 1431:18, 1489:7, 1490:24 HECTOR [26] - 1344:16, 1345:6, 1346:12, 1346:24, 1347:4, 1350:8, 1362:13, 1362:19, 1362:23, 1367:10, 1367:13, 1434:9, 1489:9, 1491:3, 1491:4, 1492:12, 1495:10, 1499:17, 1500:1, 1501:7, 1528:2, 1528:3,</p>	<p>1529:5, 1529:15, 1529:23, 1535:11 heels [2] - 1466:18, 1467:11 held [6] - 1351:21, 1357:19, 1361:18, 1362:11, 1368:22, 1469:10 help [11] - 1385:1, 1387:10, 1409:5, 1412:6, 1413:2, 1454:11, 1454:13, 1462:6, 1463:20, 1492:13, 1525:16 helped [1] - 1377:15 helpful [2] - 1441:13, 1460:4 helping [1] - 1390:9 helps [4] - 1453:6, 1454:16, 1454:20, 1490:13 Hempstead [2] - 1446:16, 1487:24 Henry [1] - 1346:19 herring [1] - 1508:16 herself [7] - 1388:7, 1432:13, 1465:3, 1481:8, 1496:3, 1504:16, 1504:17 hid [1] - 1496:17 hidden [1] - 1471:4 hide [1] - 1429:17 hiding [7] - 1397:6, 1398:9, 1446:6, 1505:20, 1505:21, 1513:3 Higgins [1] - 1346:19 high [1] - 1442:14 highest [1] - 1488:10 himself [7] - 1378:20, 1421:2, 1432:25, 1516:17, 1520:3, 1520:5, 1525:16 hired [1] - 1455:12 history [5] - 1435:19, 1436:22, 1452:6, 1469:13, 1500:5 History [1] - 1500:3 hit [2] - 1455:12, 1455:14 holding [1] - 1418:11 holes [2] - 1387:19, 1400:20 holiday [1] - 1529:17 home [97] - 1371:21, 1372:5, 1378:14, 1384:21, 1384:23, 1386:11, 1386:13, 1387:23, 1388:20, 1389:2, 1389:4, 1389:8, 1390:19, 1391:11, 1391:12, 1391:16, 1391:19, 1393:18, 1393:24, 1395:7, 1395:8, 1399:17, 1400:7, 1400:9, 1401:14, 1402:10, 1403:21, 1405:16, 1405:17, 1405:20, 1406:9, 1410:20, 1410:21, 1411:14, 1416:22, 1416:23, 1418:4, 1419:19, 1421:18, 1421:25, 1436:15, 1444:1, 1444:22, 1447:6, 1447:24, 1448:12, 1450:23, 1453:12, 1453:16, 1453:17, 1454:16, 1457:16, 1460:20, 1469:5, 1472:4, 1472:11, 1473:13, 1473:16, 1473:19, 1473:23, 1474:16, 1475:19, 1475:21, 1475:24, 1475:25, 1476:4, 1476:12, 1476:23, 1476:25, 1477:20, 1477:22, 1478:16, 1478:17, 1479:9, 1479:13, 1480:7, 1480:16, 1480:17, 1482:7, 1492:1, 1492:5, 1492:18, 1492:20, 1492:24, 1505:6, 1505:7, 1509:8, 1511:4, 1517:4, 1517:16, 1518:21, 1520:10, 1521:15, 1524:25, 1525:5, 1526:4, 1529:7</p>
<p style="text-align: center;">H</p> <p>hair [1] - 1503:24 half [17] - 1432:5, 1437:13, 1439:8, 1448:9, 1448:10, 1448:17, 1449:7, 1454:15, 1471:16, 1475:9, 1476:10, 1483:17, 1506:1, 1514:7, 1515:2 half-hour [6] - 1448:9, 1448:10, 1448:17, 1449:7, 1454:15, 1471:16 Hall [1] - 1466:21 hallway [1] - 1445:12 hammers [1] - 1389:3 hand [17] - 1356:2, 1357:11, 1357:12, 1357:21, 1357:25, 1358:1, 1359:2, 1359:17, 1361:16, 1393:21, 1443:22, 1452:14, 1473:21, 1507:1, 1507:4, 1507:6, 1507:7 handcuffs [1] - 1378:23 handed [2] - 1361:21, 1366:12 handful [1] - 1382:22 handing [2] - 1346:2, 1359:4 handle [2] - 1385:5, 1493:11 hands [1] - 1393:2 handsome [1] - 1458:14 handwritten [2] - 1439:7, 1447:9 hang [3] - 1366:22, 1416:6, 1529:11 happily [3] - 1410:19, 1410:20, 1464:10 happiness [1] - 1410:23 happy [6] - 1360:4, 1410:20, 1465:13, 1465:17, 1475:22, 1480:10 harass [2] - 1390:21, 1390:24 harassing [2] - 1390:23, 1481:2 harbor [1] - 1473:18 hard [16] - 1362:20, 1369:21, 1386:22, 1397:15, 1397:17, 1397:25, 1417:3, 1436:16, 1458:16, 1458:17, 1474:22, 1476:6, 1479:7, 1487:16, 1487:17 hardest [1] - 1532:11</p>		

homes [4] - 1398:11, 1454:6, 1460:4, 1466:14
honest [2] - 1463:5, 1528:11
Honor [68] - 1345:9, 1346:12, 1348:17, 1350:4, 1350:8, 1350:14, 1351:2, 1351:23, 1352:3, 1352:15, 1353:14, 1354:16, 1356:8, 1357:7, 1357:21, 1358:4, 1358:7, 1358:14, 1358:16, 1359:4, 1360:13, 1360:15, 1360:21, 1360:25, 1362:13, 1363:1, 1363:13, 1365:22, 1366:9, 1366:11, 1366:13, 1367:8, 1367:10, 1367:21, 1369:3, 1369:8, 1369:9, 1369:15, 1369:16, 1369:21, 1370:11, 1373:5, 1373:8, 1373:15, 1373:17, 1373:23, 1374:4, 1374:17, 1374:23, 1375:1, 1376:7, 1376:22, 1376:25, 1426:8, 1431:5, 1432:2, 1433:17, 1434:9, 1467:17, 1490:7, 1490:8, 1490:12, 1495:10, 1499:11, 1500:1, 1529:5, 1529:15, 1534:10
honor [15] - 1377:10, 1378:7, 1378:14, 1384:23, 1393:6, 1398:20, 1398:24, 1399:11, 1402:10, 1409:20, 1409:23, 1524:1, 1532:24, 1532:25
Honor's [4] - 1360:18, 1369:22, 1370:19, 1373:25
HONORABLE [1] - 1344:11
hope [21] - 1382:20, 1436:3, 1437:5, 1437:21, 1440:14, 1441:7, 1442:2, 1442:6, 1446:19, 1449:16, 1456:18, 1457:1, 1458:15, 1461:3, 1475:12, 1478:4, 1485:25, 1488:12, 1489:3
hoped [1] - 1529:8
hopefully [6] - 1351:7, 1355:11, 1362:20, 1437:2, 1456:10, 1486:13
hopes [1] - 1411:14
hoping [1] - 1353:25
horrible [2] - 1429:1, 1431:2
horribly [1] - 1429:9
hospital [2] - 1451:12, 1454:3
host [1] - 1510:8
hostile [2] - 1390:10, 1482:19
hostilities [1] - 1482:20
hour [12] - 1448:1, 1448:9, 1448:10, 1448:17, 1449:7, 1454:15, 1459:5, 1471:16, 1514:7, 1515:2, 1529:9
hours [29] - 1351:12, 1351:15, 1388:9, 1388:14, 1399:1, 1399:3, 1399:4, 1400:6, 1400:16, 1401:3, 1417:5, 1417:7, 1418:2, 1418:10, 1475:10, 1475:19, 1476:10, 1476:11, 1501:24, 1520:18, 1522:11, 1523:6, 1524:19, 1525:21, 1525:24, 1525:25
house [48] - 1380:18, 1385:8, 1388:22, 1388:23, 1394:22, 1394:24, 1398:15, 1422:22, 1435:22, 1447:15, 1448:15, 1451:2, 1452:17, 1452:21, 1452:22, 1453:2, 1454:6, 1456:9, 1456:10, 1456:11, 1458:23, 1459:1, 1459:5,

1459:6, 1471:17, 1472:11, 1474:5, 1476:18, 1477:21, 1478:17, 1481:7, 1496:5, 1496:12, 1505:11, 1505:18, 1505:22, 1506:25, 1514:8, 1514:19, 1514:22, 1514:23, 1514:24, 1523:11, 1528:14
house-to-house [1] - 1471:17
houses [3] - 1410:21, 1459:17, 1513:1
hovering [1] - 1451:20
huddled [1] - 1504:12
huge [1] - 1522:4
humiliate [1] - 1385:12
humiliated [5] - 1377:17, 1378:16, 1393:22, 1420:8, 1426:10
humiliation [3] - 1378:21, 1393:25, 1399:10
hundreds [2] - 1380:22, 1478:3
hung [2] - 1383:11, 1474:10
hurt [3] - 1413:7, 1492:14
husband [13] - 1382:21, 1384:14, 1387:21, 1416:18, 1432:20, 1464:7, 1467:6, 1468:14, 1505:25, 1506:9, 1512:23, 1513:1, 1521:4
husband's [5] - 1467:20, 1505:24, 1512:24, 1521:4
husbands [1] - 1469:18

I

I-130 [17] - 1379:18, 1423:17, 1423:24, 1424:1, 1424:10, 1425:1, 1465:18, 1468:6, 1520:25, 1529:2, 1529:24, 1530:2, 1530:8, 1530:11, 1530:20, 1531:4, 1531:10
I-130s [1] - 1530:13
ID [1] - 1470:1
idea [5] - 1347:4, 1395:13, 1406:19, 1451:24, 1467:14
identified [2] - 1438:15, 1514:24
identifying [2] - 1347:21, 1354:18
idle [1] - 1532:16
IDs [1] - 1470:7
ignore [3] - 1487:21, 1487:22
ignored [1] - 1466:10
II [1] - 1344:11
illegal [3] - 1380:6, 1380:17, 1413:16
illiterate [4] - 1442:1, 1442:9, 1444:7, 1512:3
illuminations [1] - 1500:11
images [1] - 1369:13
imagine [1] - 1386:22
immediately [4] - 1385:12, 1414:22, 1460:7, 1498:17
immigrant [1] - 1476:21
immigrants [1] - 1463:19
immigration [6] - 1411:16, 1463:22, 1464:11, 1464:25, 1466:8, 1467:15
immoral [1] - 1408:13
impeach [1] - 1361:4
impeaches [1] - 1350:11

impeaching [1] - 1354:9
impeachment [9] - 1350:13, 1352:8, 1352:20, 1352:25, 1353:18, 1354:3, 1354:13, 1358:19
impetus [1] - 1526:24
implication [2] - 1469:23, 1470:25
implicit [1] - 1427:17
importance [1] - 1436:2
important [31] - 1355:10, 1379:9, 1380:8, 1391:22, 1391:23, 1393:9, 1405:8, 1411:5, 1417:10, 1419:6, 1427:20, 1432:3, 1437:3, 1443:8, 1446:20, 1448:3, 1461:4, 1466:9, 1480:14, 1486:19, 1493:7, 1495:25, 1501:17, 1519:25, 1522:5, 1523:15, 1530:12, 1530:14, 1530:18, 1531:1, 1532:25
importantly [12] - 1399:13, 1440:6, 1443:16, 1443:17, 1448:6, 1455:19, 1473:6, 1484:21, 1485:3, 1517:3, 1522:22, 1530:23
impress [1] - 1436:2
impression [1] - 1472:6
impressive [1] - 1490:11
inability [2] - 1353:2, 1353:23
inappropriate [2] - 1354:19, 1361:2
inches [1] - 1387:25
incident [5] - 1353:10, 1439:16, 1449:13, 1454:25, 1508:3
incidents [1] - 1412:19
inclination [1] - 1452:7
inclined [2] - 1358:16, 1411:19
include [4] - 1353:8, 1353:25, 1472:25, 1487:18
includes [3] - 1455:17, 1461:2, 1464:24
including [7] - 1372:22, 1400:14, 1402:9, 1451:6, 1461:21, 1474:5, 1476:19
inclusion [1] - 1361:2
inconsistency [1] - 1509:3
inconsistent [1] - 1514:5
incorporate [1] - 1345:23
incorporates [1] - 1355:6
incredible [3] - 1435:18, 1435:24, 1477:1
indeed [1] - 1481:3
Indeed [1] - 1423:4
indicate [1] - 1374:8
indicated [2] - 1369:18, 1496:11
indicates [1] - 1441:17
indicating [6] - 1438:19, 1439:4, 1440:3, 1440:10, 1451:19, 1454:22
indicating [3] - 1439:6, 1451:23, 1456:7
indication [4] - 1348:8, 1350:16, 1357:22, 1439:10
indications [1] - 1495:25
indicative [2] - 1522:9, 1528:21
indictment [1] - 1379:2
individuals [2] - 1354:19, 1508:24

influence [2] - 1430:4, 1471:2
influential [1] - 1385:22
informal [1] - 1481:17
information [27] - 1352:9, 1353:16, 1355:7, 1355:10, 1358:17, 1360:14, 1360:16, 1373:25, 1411:6, 1422:2, 1422:14, 1424:12, 1441:8, 1462:23, 1465:13, 1467:21, 1467:24, 1479:21, 1481:8, 1495:5, 1495:14, 1495:15, 1530:13, 1530:15, 1530:16, 1530:19, 1531:4
informed [2] - 1360:10, 1390:13
infrastructure [1] - 1470:24
initial [4] - 1484:18, 1484:21, 1484:22, 1484:24
initiated [1] - 1427:10
injured [1] - 1452:20
innocence [2] - 1457:8, 1488:9
innocent [6] - 1387:7, 1420:4, 1420:5, 1448:23, 1526:9
inquiry [1] - 1367:22
inside [4] - 1388:23, 1458:23, 1459:1, 1459:5
insinuation [1] - 1444:20
insisted [1] - 1394:19
inspecting [1] - 1459:14
instance [2] - 1345:25, 1464:21
instead [1] - 1448:7
instinct [1] - 1429:19
instruct [6] - 1379:22, 1407:10, 1420:10, 1425:8, 1427:4, 1431:19
instructed [3] - 1358:23, 1431:8, 1484:20
instruction [2] - 1381:3, 1391:19
instructions [10] - 1380:3, 1433:9, 1435:1, 1460:9, 1465:1, 1468:22, 1473:10, 1531:16, 1533:9, 1533:14
instructs [1] - 1380:2
insure [1] - 1353:1
intend [1] - 1373:2
intended [6] - 1427:6, 1478:12, 1493:15, 1493:24, 1494:13, 1533:4
intends [2] - 1493:23, 1494:9
intensity [1] - 1522:10
intent [2] - 1532:12, 1532:13
intention [1] - 1370:19
intentionally [1] - 1428:1
interaction [1] - 1486:15
interested [1] - 1458:9
interesting [5] - 1406:24, 1414:6, 1467:16, 1512:20, 1524:17
interestingly [1] - 1466:1
interests [1] - 1465:5
interim [2] - 1486:9, 1487:1
interior [1] - 1458:23
Internet [1] - 1381:14
internet [1] - 1407:21
interpreters [1] - 1344:21
interrogation [1] - 1483:24

interstate [3] - 1379:19, 1425:22, 1426:25
interstitial [1] - 1365:11
interview [3] - 1425:3, 1483:23, 1486:16
interviews [1] - 1530:5
intimately [1] - 1415:6
introduced [2] - 1440:2, 1441:21
inversion [1] - 1346:15
inverted [2] - 1347:5
investigation [1] - 1463:7
involve [1] - 1387:9
involved [19] - 1385:6, 1387:12, 1392:21, 1400:8, 1404:1, 1415:4, 1415:6, 1440:21, 1440:22, 1443:21, 1460:4, 1474:9, 1474:12, 1475:17, 1521:4, 1524:5, 1526:23
involvement [4] - 1400:15, 1400:24, 1406:2, 1522:9
Iqbal [10] - 1385:8, 1386:25, 1387:22, 1388:11, 1466:4, 1477:25, 1478:6, 1481:20, 1482:6, 1496:5
Iqbals [1] - 1466:3
Irfan [6] - 1394:21, 1394:22, 1394:24, 1422:23, 1451:6
iron [1] - 1451:25
ironic [1] - 1471:6
ironically [2] - 1470:25, 1473:20
issue [32] - 1346:18, 1346:23, 1346:24, 1346:25, 1347:1, 1351:2, 1351:24, 1352:17, 1353:22, 1354:12, 1358:19, 1360:23, 1367:10, 1369:8, 1425:10, 1441:3, 1443:1, 1446:25, 1448:11, 1456:23, 1458:11, 1493:5, 1497:2, 1498:14, 1499:12, 1502:12, 1513:8, 1513:9, 1518:6, 1531:10
issued [1] - 1369:18
issues [9] - 1434:6, 1437:20, 1447:3, 1455:2, 1480:23, 1489:18, 1490:5, 1503:1, 1534:9
Italy [1] - 1476:25
item [4] - 1352:19, 1353:8, 1353:12, 1353:23
items [1] - 1354:11
iteration [6] - 1347:7, 1355:22, 1355:25, 1365:9, 1365:15, 1367:2
iterations [2] - 1364:1, 1364:7
itself [10] - 1347:18, 1348:9, 1348:24, 1360:15, 1360:17, 1371:20, 1474:13, 1483:4, 1486:3

J

Jackson [9] - 1358:2, 1359:2, 1359:17, 1364:11, 1366:12, 1366:24, 1373:13, 1434:11, 1435:3
jail [20] - 1394:10, 1394:11, 1493:19, 1493:20, 1493:21, 1493:22, 1518:22, 1518:23, 1518:24, 1519:1, 1519:4, 1519:19, 1519:20, 1520:1, 1520:4, 1526:25

January [26] - 1384:18, 1386:16, 1386:24, 1387:20, 1389:21, 1390:13, 1391:6, 1400:11, 1400:24, 1409:5, 1414:11, 1414:13, 1414:16, 1414:23, 1414:25, 1415:4, 1418:17, 1418:25, 1426:20, 1461:21, 1468:4, 1469:4, 1475:18, 1481:21, 1523:5, 1532:2
Javed [33] - 1385:7, 1385:8, 1385:10, 1386:25, 1388:7, 1388:8, 1388:10, 1388:12, 1388:14, 1388:15, 1388:21, 1388:23, 1388:25, 1394:21, 1400:9, 1400:15, 1400:16, 1413:17, 1414:17, 1414:18, 1414:20, 1418:14, 1420:22, 1422:21, 1422:23, 1466:3, 1477:25, 1478:6, 1481:20, 1482:6, 1523:13, 1528:14
Javed's [4] - 1387:6, 1387:10, 1387:22, 1388:11
Jeep [4] - 1387:16, 1387:18, 1400:12, 1400:20
jeep [1] - 1426:21
job [4] - 1356:8, 1379:13, 1407:14, 1487:14
jobs [2] - 1486:13, 1530:19
John [1] - 1500:21
joke [1] - 1494:9
journey [1] - 1347:20
JUDGE [1] - 1344:12
judge [15] - 1347:12, 1348:15, 1359:21, 1360:8, 1361:20, 1370:15, 1441:22, 1444:17, 1457:5, 1464:13, 1464:22, 1483:11, 1488:11, 1488:24, 1491:9
Judge [14] - 1378:24, 1379:12, 1379:21, 1380:1, 1380:3, 1402:12, 1407:10, 1420:10, 1425:4, 1425:8, 1427:4, 1428:11, 1431:19, 1434:2
judge's [2] - 1465:1, 1468:21
judges [3] - 1374:12, 1379:13, 1490:18
judgments [1] - 1433:1
July [4] - 1344:7, 1500:4, 1500:22, 1534:17
jumped [1] - 1384:18
jumps [1] - 1486:1
junction [1] - 1351:1
juries [3] - 1380:21, 1380:23, 1457:9
Juror [1] - 1452:10
Jurors [1] - 1490:9
jurors [7] - 1372:21, 1440:16, 1457:2, 1490:19, 1531:22, 1531:24, 1533:10
jury [102] - 1345:1, 1345:3, 1345:23, 1347:11, 1348:14, 1349:7, 1349:18, 1350:25, 1351:4, 1351:5, 1352:19, 1353:6, 1354:14, 1354:22, 1355:10, 1355:17, 1356:7, 1356:10, 1356:18, 1358:18, 1359:8, 1359:11, 1359:17, 1362:18, 1363:9, 1363:10, 1363:11, 1363:22, 1364:4, 1364:11, 1364:13, 1364:18, 1364:22, 1365:1, 1365:2, 1365:9, 1365:14, 1367:1, 1367:11, 1369:7, 1369:14, 1370:4, 1371:14,

1371:21, 1372:1, 1372:5, 1372:11,
1373:10, 1373:14, 1374:25, 1376:3,
1376:14, 1380:9, 1380:24, 1412:10,
1412:25, 1413:8, 1424:19, 1425:19,
1433:3, 1433:9, 1433:10, 1433:11,
1433:15, 1434:7, 1434:10, 1434:22,
1434:25, 1436:25, 1438:12, 1439:19,
1446:24, 1461:9, 1487:12, 1488:16,
1488:19, 1489:1, 1489:12, 1489:14,
1489:17, 1490:6, 1490:16, 1490:23,
1490:25, 1492:7, 1499:25, 1501:1,
1501:5, 1529:7, 1529:8, 1529:9,
1529:10, 1529:19, 1529:20, 1531:16,
1533:8, 1533:16, 1533:18, 1533:25,
1534:4, 1534:8
Jury [9] - 1376:1, 1433:14, 1434:20,
1489:16, 1490:2, 1490:21, 1499:19,
1501:3, 1534:6
JURY [1] - 1344:11
jury's [1] - 1407:11
justice [1] - 1433:4
justify [2] - 1432:13, 1432:14

K

Karachi [3] - 1421:12, 1421:13, 1455:13
keep [9] - 1350:14, 1366:22, 1391:15,
1394:18, 1405:5, 1522:5, 1522:7,
1525:11, 1532:19
keeping [3] - 1398:14, 1416:8, 1420:24
keeps [2] - 1473:21, 1522:15
kept [3] - 1384:2, 1528:21, 1532:23
Kerry [1] - 1350:22
key [3] - 1398:17, 1414:2, 1505:2
Khalil [1] - 1413:3
Khanum [24] - 1428:22, 1429:3,
1449:24, 1450:9, 1452:14, 1452:22,
1497:7, 1498:21, 1498:25, 1502:4,
1502:10, 1502:17, 1502:21, 1503:6,
1504:8, 1505:4, 1505:10, 1506:13,
1506:15, 1506:21, 1507:6, 1507:10,
1508:5, 1512:21
Khanum's [3] - 1454:1, 1499:1, 1499:7
kid's [1] - 1511:3
kids [8] - 1443:15, 1444:23, 1472:10,
1510:14, 1510:17, 1510:18, 1510:20,
1510:24
kill [61] - 1377:14, 1383:5, 1383:24,
1384:4, 1387:4, 1389:8, 1389:9,
1391:10, 1391:13, 1391:16, 1391:17,
1392:22, 1392:23, 1393:16, 1394:3,
1394:9, 1396:4, 1397:2, 1397:5,
1399:14, 1405:22, 1405:23, 1410:7,
1410:13, 1410:14, 1413:18, 1416:14,
1419:18, 1419:19, 1420:7, 1422:1,
1426:17, 1427:14, 1427:15, 1473:15,
1473:16, 1473:19, 1473:22, 1473:23,
1479:5, 1479:19, 1482:10, 1492:1,
1493:1, 1493:16, 1494:6, 1517:10,
1517:22, 1519:8, 1519:18, 1520:6,

1525:4, 1525:5, 1525:11, 1525:13,
1526:7, 1532:15
killed [24] - 1394:11, 1405:19, 1405:21,
1405:24, 1406:6, 1418:2, 1419:20,
1478:6, 1487:19, 1492:5, 1492:20,
1492:23, 1493:5, 1499:3, 1515:18,
1516:2, 1516:6, 1517:21, 1519:20,
1524:1, 1525:6, 1525:12, 1526:6,
1526:11
killing [5] - 1388:1, 1396:25, 1410:16,
1419:4, 1419:17
killings [1] - 1436:14
kills [3] - 1410:16, 1517:8, 1517:9
kind [2] - 1393:23, 1498:1
knowing [6] - 1382:10, 1388:7, 1400:16,
1407:6, 1445:25, 1512:10
knowingly [1] - 1427:25
known [5] - 1398:9, 1401:15, 1457:22,
1523:16
knows [27] - 1352:15, 1358:9, 1358:11,
1392:12, 1422:15, 1442:18, 1442:20,
1443:9, 1451:1, 1452:15, 1455:16,
1465:2, 1468:17, 1473:1, 1473:14,
1474:1, 1475:20, 1475:25, 1480:1,
1484:23, 1494:8, 1502:20, 1512:7,
1519:1, 1519:2, 1524:18, 1525:3
Kotla [1] - 1386:10
Kotru [1] - 1344:21
Kousar [24] - 1347:25, 1348:10,
1350:17, 1352:9, 1353:9, 1436:13,
1437:23, 1437:24, 1439:15, 1440:11,
1441:10, 1441:11, 1446:2, 1449:13,
1450:13, 1453:7, 1453:16, 1453:25,
1454:24, 1459:4, 1477:20, 1481:7,
1495:19
Kousar's [3] - 1452:22, 1453:17, 1466:2
Kousars' [1] - 1467:4
Kukatpally [2] - 1495:2, 1495:4
Kuntz [12] - 1378:24, 1379:12, 1379:21,
1402:12, 1407:10, 1420:10, 1425:4,
1425:8, 1427:4, 1428:11, 1431:19,
1434:2
KUNTZ [1] - 1344:11
Kuntz's [2] - 1380:1, 1380:3

L

laborer [1] - 1512:3
Ladies [39] - 1401:11, 1401:20,
1401:25, 1411:22, 1413:10, 1417:16,
1419:23, 1423:2, 1425:9, 1426:2,
1428:1, 1429:7, 1429:23, 1430:22,
1431:7, 1431:11, 1432:4, 1433:6,
1490:22, 1494:22, 1495:11, 1503:16,
1506:10, 1507:9, 1508:10, 1508:15,
1511:14, 1512:17, 1514:4, 1514:11,
1514:25, 1515:23, 1516:7, 1516:21,
1518:25, 1519:22, 1521:20, 1526:8,
1526:12
ladies [35] - 1376:2, 1376:14, 1377:4,

1379:11, 1390:5, 1392:15, 1393:8,
1396:22, 1400:3, 1402:21, 1403:12,
1404:25, 1415:2, 1415:11, 1417:8,
1419:2, 1420:6, 1421:21, 1434:21,
1435:9, 1489:12, 1491:4, 1493:22,
1494:10, 1496:10, 1497:1, 1501:5,
1501:7, 1505:16, 1510:12, 1513:3,
1522:16, 1530:10, 1532:8, 1534:7
Lady [1] - 1346:19
lady [2] - 1482:11, 1507:1
laid [1] - 1473:21
land [8] - 1401:15, 1421:16, 1472:5,
1477:24, 1478:1, 1478:7, 1482:25
language [4] - 1347:1, 1347:8, 1363:8,
1479:18
lard [1] - 1473:15
last [21] - 1369:8, 1370:25, 1374:10,
1389:15, 1415:19, 1416:22, 1418:8,
1425:21, 1425:22, 1426:11, 1430:10,
1431:13, 1435:23, 1438:21, 1444:10,
1462:9, 1462:21, 1474:2, 1494:18,
1520:11, 1530:22
lasted [1] - 1415:16
lasts [1] - 1521:13
late [4] - 1395:4, 1436:3, 1480:13,
1533:22
lately [1] - 1435:12
lateness [1] - 1529:9
latest [1] - 1435:19
law [22] - 1363:2, 1379:22, 1380:1,
1380:14, 1381:3, 1387:22, 1411:18,
1425:4, 1431:20, 1431:23, 1433:3,
1457:7, 1464:23, 1465:1, 1467:6,
1488:11, 1488:24, 1531:8, 1531:9,
1533:14
lawyer [24] - 1395:4, 1401:22, 1402:13,
1403:24, 1407:23, 1411:10, 1415:15,
1428:24, 1431:17, 1436:15, 1440:12,
1444:17, 1484:3, 1485:9, 1485:15,
1485:18, 1486:6, 1486:8, 1486:24,
1486:25, 1487:9, 1487:20
lawyer's [2] - 1417:2, 1438:11
lawyers [6] - 1372:22, 1372:24, 1374:5,
1376:5, 1423:19, 1491:10
lawyers' [1] - 1381:2
lay [3] - 1378:12, 1416:13, 1532:21
lead [2] - 1483:4, 1483:5
leader [1] - 1399:25
leading [3] - 1501:24, 1523:4, 1523:6
leap [1] - 1506:13
learn [4] - 1382:4, 1452:15, 1458:10,
1486:14
learned [10] - 1382:17, 1383:12, 1388:4,
1401:9, 1435:18, 1438:7, 1442:23,
1463:25, 1465:24, 1475:1
learner's [1] - 1470:4
learning [3] - 1458:9, 1478:5, 1481:8
learns [1] - 1481:19
least [16] - 1347:25, 1351:24, 1355:14,
1355:20, 1358:9, 1372:4, 1387:8,

1404:10, 1404:19, 1406:8, 1439:20,
1445:7, 1454:1, 1463:18, 1464:1,
1484:20
leave [17] - 1382:10, 1388:19, 1389:10,
1393:16, 1398:22, 1401:14, 1405:5,
1408:20, 1415:24, 1426:15, 1450:15,
1452:19, 1459:20, 1460:7, 1460:20,
1461:12
leaves [3] - 1453:3, 1468:6, 1510:3
leaving [12] - 1354:9, 1354:10, 1384:21,
1387:18, 1400:7, 1411:24, 1451:17,
1453:16, 1463:3, 1463:4, 1522:6,
1522:7
lectured [1] - 1377:10
led [1] - 1435:15
Lee [3] - 1414:15, 1415:12, 1417:13
left [31] - 1346:22, 1347:2, 1347:7,
1355:1, 1378:2, 1382:5, 1382:6,
1385:15, 1386:1, 1387:15, 1393:11,
1394:3, 1405:18, 1408:23, 1409:1,
1429:17, 1433:15, 1435:16, 1435:20,
1435:21, 1435:23, 1442:3, 1442:5,
1468:7, 1470:19, 1484:22, 1489:17,
1501:8, 1514:15, 1517:4, 1534:8
leg [2] - 1452:20, 1497:19
legal [3] - 1379:23, 1380:22, 1488:7
legally [1] - 1383:14
legend [1] - 1439:21
legitimate [1] - 1466:20
legs [1] - 1452:20
less [8] - 1415:16, 1415:19, 1465:16,
1476:6, 1476:7, 1489:9, 1506:3,
1522:2
lesson [1] - 1378:7
lethal [1] - 1420:9
letter [5] - 1352:10, 1353:13, 1362:8,
1439:12, 1454:22
lettering [1] - 1353:16
letters [1] - 1355:19
level [3] - 1380:5, 1457:11, 1522:9
license [1] - 1470:9
lie [15] - 1406:20, 1419:24, 1420:4,
1429:13, 1430:3, 1463:5, 1498:5,
1498:17, 1502:22, 1503:3, 1512:18,
1525:8, 1530:8, 1530:11
lied [9] - 1406:13, 1406:14, 1406:15,
1412:9, 1461:19, 1497:25, 1512:2,
1530:6
lies [9] - 1357:3, 1411:11, 1468:23,
1474:15, 1510:8, 1530:21, 1530:22
life [14] - 1378:17, 1390:4, 1404:20,
1408:20, 1409:7, 1410:4, 1440:15,
1452:12, 1458:2, 1458:16, 1487:17,
1498:13, 1522:4, 1533:4
light [5] - 1436:3, 1469:6, 1478:13,
1485:23, 1500:17
lightly [3] - 1358:8, 1487:19, 1487:20
limited [5] - 1352:20, 1354:14, 1358:17,
1360:23, 1487:5
Limousine [1] - 1414:5

line [16] - 1352:19, 1353:8, 1353:10,
1353:12, 1353:23, 1354:11, 1357:23,
1357:24, 1358:11, 1358:14, 1358:22,
1389:3, 1415:15, 1471:5, 1496:1,
1509:6
lines [5] - 1427:3, 1427:6, 1427:8,
1427:18, 1447:23
linked [1] - 1409:23
list [1] - 1484:11
listed [2] - 1442:11, 1520:25
listen [6] - 1403:3, 1437:1, 1465:1,
1468:21, 1473:5, 1532:10
listened [3] - 1369:22, 1488:18, 1493:8
literally [3] - 1432:17, 1435:16, 1516:25
live [9] - 1378:16, 1384:14, 1410:19,
1430:25, 1432:9, 1432:22, 1435:17,
1477:18, 1478:17
lived [2] - 1387:23, 1498:13
livelihood [1] - 1386:12
lives [11] - 1387:25, 1400:23, 1415:23,
1422:19, 1432:3, 1442:19, 1442:24,
1444:22, 1450:8, 1465:14, 1533:1
living [12] - 1378:16, 1393:3, 1395:15,
1410:20, 1410:21, 1435:22, 1442:8,
1469:2, 1472:10, 1530:22
lo [2] - 1517:7, 1517:20
local [1] - 1466:23
located [4] - 1355:15, 1355:16, 1443:6,
1533:16
location [3] - 1352:12, 1446:22, 1494:4
locations [3] - 1355:5, 1355:9, 1422:25
logic [1] - 1409:21
logs [1] - 1415:4
look [36] - 1357:15, 1358:12, 1361:12,
1370:25, 1379:11, 1404:24, 1405:1,
1405:7, 1417:16, 1417:17, 1417:18,
1419:23, 1424:21, 1446:24, 1447:3,
1452:16, 1456:4, 1459:15, 1475:4,
1475:15, 1475:18, 1476:1, 1476:5,
1506:3, 1506:5, 1506:9, 1506:17,
1506:19, 1514:12, 1514:20, 1518:11,
1520:8, 1521:23, 1531:16
Look [3] - 1405:8, 1521:25, 1522:12
looked [5] - 1398:7, 1477:19, 1488:18,
1496:4, 1503:24
looking [20] - 1351:11, 1353:7, 1355:18,
1360:3, 1410:23, 1414:14, 1439:5,
1439:25, 1440:4, 1446:2, 1446:7,
1446:8, 1449:9, 1449:18, 1459:14,
1469:25, 1471:18, 1495:11, 1514:21,
1514:25
looks [3] - 1347:5, 1360:1, 1441:9
LORETTA [1] - 1344:14
lose [1] - 1450:18
loss [4] - 1386:20, 1401:18, 1435:13,
1440:15
lost [5] - 1432:17, 1432:18, 1432:19,
1432:20, 1497:23
louder [1] - 1492:17
love [6] - 1381:16, 1381:20, 1407:19,

1409:25, 1432:19
loved [8] - 1381:20, 1384:22, 1401:7,
1401:19, 1498:8, 1501:18, 1501:19,
1515:12
loves [2] - 1412:3, 1492:15
lunch [2] - 1433:10, 1435:2
lying [16] - 1395:21, 1406:19, 1420:3,
1429:10, 1461:6, 1461:10, 1461:16,
1463:17, 1479:7, 1499:6, 1513:22,
1513:23, 1513:24, 1515:8, 1515:20,
1530:3
LYNCH [1] - 1344:14

M

M-o-l-v-i [1] - 1523:16
ma'am [1] - 1367:12
machine [4] - 1451:14, 1452:12, 1455:9,
1459:2
mad [1] - 1411:21
madam [1] - 1495:8
Madam [2] - 1356:20, 1452:10
Madeeha [31] - 1377:23, 1378:1,
1378:19, 1394:13, 1394:20, 1395:7,
1395:17, 1395:20, 1395:21, 1395:24,
1396:25, 1401:17, 1406:6, 1418:2,
1418:12, 1420:7, 1429:22, 1432:3,
1494:12, 1499:3, 1503:9, 1516:2,
1516:6, 1521:22, 1522:24, 1523:12,
1524:6, 1526:18, 1532:21, 1533:3
Madeeha's [1] - 1419:15
magazine [1] - 1396:24
Maguire [2] - 1345:8, 1425:4
Mahmu [1] - 1523:18
mail [2] - 1344:24, 1381:14
maintain [1] - 1500:15
man [21] - 1377:18, 1381:25, 1382:16,
1398:24, 1402:19, 1410:2, 1420:4,
1432:18, 1442:7, 1443:15, 1444:7,
1444:9, 1444:21, 1450:19, 1451:5,
1455:14, 1459:11, 1466:4, 1512:4,
1516:25, 1517:1
man's [1] - 1471:12
Manhattan [5] - 1377:8, 1380:18,
1416:21, 1475:12, 1509:19
mankind [1] - 1457:23
manner [1] - 1437:6
mansion [1] - 1477:18
Manzoor [24] - 1442:1, 1497:7, 1502:10,
1502:21, 1508:4, 1508:5, 1508:10,
1510:10, 1510:12, 1511:3, 1511:4,
1511:7, 1511:16, 1511:22, 1512:1,
1512:6, 1512:18, 1512:21, 1513:9,
1513:15, 1513:17, 1513:20, 1513:22,
1513:23
map [9] - 1346:15, 1347:2, 1348:24,
1362:20, 1439:7, 1495:24, 1495:25,
1496:1, 1496:10
maps [1] - 1514:9
March [6] - 1465:21, 1465:23, 1466:7,

1466:11, 1466:19, 1466:25
MARGARET [1] - 1344:17
Margaret [1] - 1345:6
margin [1] - 1418:5
Marie [1] - 1344:22
Marie_Foley@nyed.uscourts.gov [1] - 1344:24
mark [8] - 1357:13, 1361:16, 1361:20, 1365:12, 1365:13, 1366:16, 1366:24, 1438:5
marked [9] - 1355:5, 1356:3, 1363:4, 1363:12, 1363:14, 1364:2, 1366:17, 1367:2, 1438:13
market [1] - 1468:15
marking [1] - 1367:6
markings [1] - 1449:15
marriage [13] - 1377:16, 1383:13, 1384:15, 1409:8, 1409:16, 1411:2, 1411:4, 1425:11, 1464:17, 1466:10, 1466:20, 1502:16, 1531:9
marriages [2] - 1409:13, 1425:11
married [10] - 1464:10, 1465:7, 1466:23, 1467:3, 1467:6, 1468:3, 1469:2, 1512:12, 1512:15
marry [16] - 1381:17, 1381:19, 1381:23, 1382:19, 1383:16, 1383:24, 1384:3, 1407:25, 1408:2, 1408:9, 1408:12, 1432:10, 1464:14, 1478:19, 1478:22, 1533:2
marrying [2] - 1382:18, 1464:17
marshals [1] - 1345:12
masculinity [1] - 1409:22
master [1] - 1466:24
match [2] - 1379:1, 1435:16
material [4] - 1352:20, 1353:18, 1530:20
materials [1] - 1359:19
maternal [3] - 1410:18, 1410:19, 1410:24
math [1] - 1448:4
matter [22] - 1349:23, 1387:2, 1393:6, 1403:15, 1436:16, 1447:10, 1447:11, 1448:23, 1449:10, 1461:18, 1461:19, 1464:2, 1468:19, 1487:12, 1487:13, 1492:21, 1492:23, 1521:2, 1522:2
matters [6] - 1441:4, 1454:17, 1530:21, 1530:23, 1531:5
Matthew [1] - 1345:8
mayor [1] - 1470:21
Mayor [1] - 1388:25
Mazhar [11] - 1387:21, 1388:11, 1388:13, 1400:9, 1400:18, 1413:17, 1420:22, 1498:20, 1501:18, 1522:25, 1523:13
mean [22] - 1371:17, 1407:6, 1409:18, 1410:17, 1413:15, 1413:24, 1429:11, 1429:13, 1429:15, 1429:19, 1437:5, 1437:19, 1452:5, 1454:11, 1458:22, 1464:13, 1470:2, 1486:21, 1505:6, 1516:24, 1530:5
Meaning [1] - 1428:1

meaningful [2] - 1400:4, 1507:9
means [15] - 1378:5, 1386:6, 1402:9, 1413:25, 1420:23, 1470:14, 1472:8, 1485:19, 1492:2, 1500:18, 1501:5, 1512:5, 1513:24, 1520:2, 1522:3
meant [1] - 1426:18
meantime [1] - 1349:25
measurements [4] - 1355:5, 1360:12, 1361:1, 1361:4
Media [1] - 1494:3
mediating [1] - 1481:10
meet [9] - 1422:21, 1422:22, 1445:15, 1447:18, 1447:25, 1454:14, 1484:3, 1485:9, 1511:4
meeting [18] - 1376:5, 1385:10, 1385:11, 1412:11, 1412:17, 1439:8, 1460:2, 1460:5, 1461:5, 1461:17, 1461:24, 1462:7, 1462:18, 1462:20, 1463:3, 1463:4, 1523:10, 1524:20
meetings [3] - 1420:2, 1461:23, 1481:6
Member [1] - 1394:23
member [17] - 1386:20, 1398:22, 1399:25, 1405:6, 1415:24, 1416:3, 1416:5, 1419:3, 1461:1, 1463:20, 1470:19, 1471:10, 1483:1, 1516:2, 1516:3, 1516:5, 1516:12
members [26] - 1381:6, 1391:4, 1391:5, 1391:14, 1395:19, 1413:11, 1413:19, 1420:2, 1464:18, 1469:12, 1479:13, 1481:5, 1493:16, 1501:22, 1502:6, 1502:25, 1504:6, 1517:10, 1517:24, 1520:5, 1520:7, 1529:18, 1531:24, 1532:4, 1532:22, 1533:8
memorable [1] - 1500:5
memorialize [1] - 1486:19
memory [3] - 1412:21, 1430:2, 1472:24
men [17] - 1396:3, 1396:5, 1397:8, 1398:7, 1398:8, 1426:20, 1429:4, 1429:13, 1429:15, 1446:8, 1450:15, 1452:11, 1455:9, 1455:12, 1456:1, 1464:19, 1503:25
mental [1] - 1380:23
mention [2] - 1379:10, 1379:23
mentioned [9] - 1371:14, 1373:3, 1425:16, 1426:7, 1441:3, 1472:13, 1472:14, 1496:19, 1530:2
merely [1] - 1420:10
message [2] - 1378:7, 1415:25
messages [2] - 1522:6, 1522:7
met [8] - 1395:5, 1399:22, 1444:4, 1445:8, 1445:23, 1446:12, 1457:14, 1462:10
methodically [1] - 1491:21
methods [1] - 1471:11
microphone [1] - 1376:24
middle [1] - 1386:8
midway [1] - 1443:2
might [4] - 1405:1, 1432:7, 1453:19, 1512:1
miles [4] - 1377:11, 1380:13, 1401:11,

1437:11
milking [1] - 1422:13
milling [1] - 1504:19
million [1] - 1453:13
millions [1] - 1465:15
mind [2] - 1402:7, 1517:16
mindful [1] - 1354:20
minds [3] - 1435:12, 1454:25, 1469:9
minimize [1] - 1411:20
minimizing [1] - 1412:1
minute [20] - 1372:4, 1372:9, 1415:17, 1415:19, 1425:18, 1438:21, 1444:25, 1453:3, 1485:17, 1486:5, 1486:8, 1489:8, 1489:12, 1494:18, 1499:22, 1521:7, 1522:2, 1523:6, 1529:2
minute-by-minute [1] - 1523:6
minutes [30] - 1382:13, 1391:18, 1406:3, 1416:6, 1417:5, 1419:8, 1433:12, 1438:21, 1441:3, 1447:17, 1447:24, 1448:2, 1448:7, 1448:10, 1448:17, 1459:8, 1471:16, 1483:11, 1486:6, 1489:9, 1489:22, 1499:12, 1499:14, 1499:15, 1514:3, 1514:7, 1515:4, 1529:5, 1529:12
miscalculation [2] - 1381:25, 1432:6
Mishra [1] - 1344:21
misrepresent [1] - 1463:6
miss [3] - 1405:1, 1493:13, 1530:25
missed [3] - 1352:7, 1416:1, 1435:24
missing [3] - 1386:15, 1493:14, 1506:1
mission [1] - 1473:9
mist [2] - 1525:16, 1525:17
mistake [3] - 1454:19, 1456:3, 1479:23
mistaken [1] - 1511:21
misunderstanding [1] - 1387:14
mix [1] - 1513:10
mocks [1] - 1478:9
modest [1] - 1472:11
Mohammad [4] - 1377:21, 1378:6, 1470:12, 1472:19
MOHAMMAD [1] - 1344:7
Mohammed [1] - 1494:12
Molbi [2] - 1523:14, 1523:17
molest [1] - 1385:13
Molvi [2] - 1523:16, 1523:17
mom [3] - 1384:2, 1447:21, 1447:25
moment [26] - 1370:6, 1371:21, 1372:12, 1384:21, 1401:22, 1406:19, 1411:12, 1415:21, 1415:22, 1432:15, 1441:25, 1445:17, 1446:23, 1459:16, 1460:10, 1460:22, 1465:9, 1467:5, 1475:2, 1480:3, 1480:12, 1497:22, 1497:24, 1518:5, 1518:7, 1518:9
moments [3] - 1352:13, 1486:5, 1491:5
Monday [4] - 1412:14, 1417:21, 1474:24, 1475:1
money [13] - 1421:8, 1421:18, 1421:19, 1430:3, 1444:13, 1471:21, 1476:23, 1476:25, 1477:1, 1477:9, 1477:10, 1477:12, 1477:15

month [5] - 1450:9, 1467:1, 1471:20, 1517:3
months [14] - 1394:2, 1394:3, 1417:4, 1461:3, 1461:4, 1463:9, 1463:17, 1467:8, 1471:20, 1476:15, 1483:17, 1527:1
moral [1] - 1469:11
Morel [1] - 1424:9
morning [25] - 1345:9, 1345:10, 1345:15, 1345:16, 1346:14, 1347:10, 1376:2, 1376:6, 1377:4, 1378:25, 1379:8, 1398:18, 1412:11, 1412:16, 1413:4, 1417:6, 1417:21, 1419:25, 1436:8, 1442:16, 1502:19, 1510:2, 1520:15, 1523:11, 1526:4
Morrell [3] - 1423:23, 1530:12, 1530:25
most [13] - 1380:5, 1414:6, 1423:6, 1440:6, 1443:16, 1473:11, 1491:14, 1500:4, 1513:21, 1518:2, 1522:21, 1530:23
mother [22] - 1346:7, 1396:7, 1398:2, 1404:20, 1404:21, 1405:4, 1405:5, 1429:12, 1429:17, 1447:18, 1450:24, 1450:25, 1454:14, 1454:19, 1456:11, 1463:12, 1479:16, 1496:3, 1496:12, 1507:22, 1508:2, 1509:25
mother's [1] - 1456:10
motion [2] - 1381:8, 1416:15
motions [1] - 1433:16
motive [2] - 1413:23, 1512:17
motives [3] - 1381:7, 1430:3, 1470:18
motorbike [5] - 1450:2, 1450:19, 1450:22, 1451:1, 1451:5
motorcycle [4] - 1394:24, 1395:8, 1443:24, 1451:17
motorcycles [1] - 1459:22
move [3] - 1425:21, 1449:4, 1453:20
moved [4] - 1352:17, 1453:1, 1469:21, 1531:21
MPA [1] - 1394:22
MR [120] - 1345:9, 1345:11, 1347:3, 1347:12, 1347:15, 1347:17, 1348:7, 1348:15, 1348:23, 1349:4, 1349:21, 1350:4, 1351:1, 1351:6, 1351:19, 1354:16, 1354:25, 1355:3, 1355:24, 1356:2, 1356:6, 1356:11, 1356:14, 1356:16, 1356:19, 1356:23, 1356:25, 1357:11, 1357:14, 1359:21, 1359:23, 1360:7, 1360:10, 1361:14, 1361:20, 1361:24, 1362:3, 1362:5, 1362:10, 1363:6, 1364:9, 1364:15, 1364:23, 1364:25, 1365:4, 1365:6, 1365:17, 1365:20, 1366:13, 1366:18, 1366:21, 1367:7, 1367:20, 1369:8, 1370:5, 1370:6, 1370:11, 1370:13, 1370:15, 1370:17, 1370:23, 1371:4, 1371:9, 1371:11, 1371:13, 1371:19, 1372:3, 1372:8, 1372:12, 1372:19, 1373:5, 1373:8, 1373:12, 1373:17, 1373:23, 1374:4, 1374:17, 1374:23, 1375:1,

1376:7, 1376:11, 1376:22, 1376:25, 1377:3, 1377:4, 1384:11, 1401:1, 1411:25, 1412:1, 1412:7, 1412:9, 1425:14, 1425:21, 1431:5, 1431:7, 1433:17, 1433:18, 1434:8, 1434:15, 1435:5, 1435:8, 1435:9, 1438:3, 1438:11, 1438:25, 1439:3, 1463:3, 1467:19, 1470:6, 1483:11, 1483:13, 1489:21, 1490:7, 1490:11, 1490:15, 1492:10, 1534:10, 1534:11, 1535:5, 1535:8
MS [44] - 1345:6, 1346:12, 1346:24, 1347:4, 1350:8, 1351:23, 1352:3, 1357:7, 1357:21, 1358:4, 1358:14, 1358:25, 1360:21, 1361:8, 1362:13, 1362:19, 1362:23, 1363:1, 1363:13, 1363:17, 1363:20, 1365:18, 1366:9, 1366:11, 1367:8, 1367:10, 1367:13, 1369:21, 1434:9, 1489:9, 1489:19, 1491:3, 1491:4, 1492:12, 1495:10, 1499:17, 1500:1, 1501:7, 1528:2, 1528:3, 1529:5, 1529:15, 1529:23, 1535:11
multiple [2] - 1425:2, 1502:18
murder [53] - 1377:6, 1378:11, 1378:22, 1379:17, 1379:21, 1380:7, 1380:16, 1380:18, 1381:6, 1399:8, 1399:21, 1402:9, 1413:11, 1413:18, 1419:15, 1420:11, 1420:12, 1420:25, 1422:23, 1423:8, 1426:2, 1430:21, 1433:2, 1436:20, 1436:21, 1436:23, 1437:20, 1441:6, 1447:4, 1471:3, 1487:23, 1497:10, 1498:22, 1506:11, 1511:15, 1513:1, 1514:1, 1515:15, 1517:15, 1518:9, 1518:10, 1521:3, 1521:22, 1522:17, 1522:23, 1523:6, 1523:12, 1524:6, 1526:18, 1532:11
murdered [1] - 1524:21
murdering [1] - 1392:18
murderous [2] - 1466:5, 1477:13
murders [25] - 1378:19, 1401:5, 1404:2, 1404:4, 1412:12, 1412:20, 1413:5, 1414:12, 1415:9, 1419:1, 1426:23, 1429:4, 1437:4, 1446:17, 1496:24, 1501:24, 1504:10, 1504:15, 1505:21, 1506:9, 1516:18, 1517:18, 1518:18, 1519:23, 1520:16
must [12] - 1361:14, 1384:20, 1420:13, 1426:24, 1427:24, 1428:17, 1429:23, 1441:19, 1488:1, 1505:6, 1507:16, 1533:11
Mustak [1] - 1495:3

N

naively [1] - 1381:23
name [16] - 1370:25, 1371:14, 1371:17, 1371:18, 1371:19, 1371:22, 1371:23, 1372:7, 1372:10, 1373:2, 1398:23, 1485:1, 1495:3, 1509:16, 1509:23,

1522:13
named [2] - 1348:9, 1354:19
names [1] - 1347:22
narrative [1] - 1458:14
Nasir [2] - 1428:23, 1429:6
Nasreen [12] - 1406:22, 1406:25, 1407:1, 1412:4, 1413:7, 1424:16, 1424:23, 1425:6, 1425:7, 1521:17, 1524:18, 1531:12
Nasreen's [3] - 1407:15, 1413:14, 1424:17
naturalization [1] - 1424:18
Nayab [22] - 1378:8, 1390:4, 1394:19, 1398:6, 1398:13, 1400:1, 1401:9, 1429:1, 1429:9, 1429:24, 1432:16, 1432:18, 1507:14, 1507:19, 1507:24, 1507:25, 1513:7, 1513:11, 1515:8, 1515:16, 1515:21
Nayab's [1] - 1401:7
Nazia [32] - 1428:22, 1429:3, 1449:24, 1450:9, 1452:14, 1452:22, 1453:25, 1497:7, 1498:21, 1498:25, 1499:1, 1499:7, 1502:4, 1502:10, 1502:17, 1502:21, 1503:5, 1504:7, 1504:8, 1505:4, 1505:10, 1505:13, 1506:13, 1506:14, 1506:21, 1507:6, 1507:10, 1508:5, 1512:21, 1513:9, 1520:24, 1523:9
Nazia's [1] - 1516:13
Nazim [3] - 1388:24, 1391:3, 1470:20
near [1] - 1441:10
nearby [3] - 1442:15, 1443:6, 1460:7
necessarily [2] - 1455:17, 1470:8
necessary [3] - 1414:7, 1427:5, 1427:21
need [23] - 1350:14, 1359:14, 1363:2, 1368:15, 1368:20, 1368:24, 1369:1, 1369:4, 1416:3, 1420:15, 1434:13, 1434:14, 1449:2, 1463:5, 1468:13, 1477:10, 1478:3, 1484:25, 1485:2, 1522:13, 1523:25, 1524:1
needed [4] - 1353:22, 1382:3, 1421:18, 1477:9
needs [4] - 1353:1, 1424:11, 1475:21, 1476:4
negative [1] - 1471:1
neglect [1] - 1374:5
neighbor [1] - 1452:16
never [21] - 1354:23, 1374:13, 1374:14, 1374:15, 1401:22, 1410:5, 1411:17, 1432:13, 1432:14, 1432:22, 1443:14, 1473:20, 1475:2, 1475:4, 1478:21, 1488:22, 1498:14, 1498:16, 1533:2, 1533:4
nevermind [1] - 1388:9
new [1] - 1466:14
NEW [1] - 1344:1
New [12] - 1344:6, 1344:15, 1344:16, 1344:20, 1377:7, 1380:11, 1427:11, 1431:25, 1466:15, 1487:25, 1520:14
newspapers [1] - 1398:23

next [32] - 1348:20, 1372:17, 1373:3, 1383:25, 1389:12, 1389:17, 1390:2, 1392:13, 1407:24, 1418:10, 1423:17, 1433:22, 1448:8, 1448:9, 1455:4, 1467:1, 1482:8, 1484:21, 1484:24, 1486:2, 1486:7, 1491:5, 1494:15, 1496:9, 1502:19, 1504:22, 1509:6, 1522:11, 1523:11, 1525:21, 1527:4
Next [1] - 1431:17
nice [6] - 1345:19, 1360:9, 1374:1, 1464:8, 1493:14, 1519:12
nicer [1] - 1477:20
niece [1] - 1450:25
night [22] - 1384:17, 1386:8, 1399:18, 1400:5, 1416:16, 1416:22, 1416:24, 1417:14, 1417:20, 1418:1, 1420:1, 1475:11, 1502:20, 1519:12, 1521:12, 1521:16, 1521:21, 1522:19, 1525:10, 1526:17
night's [1] - 1370:25
nights [2] - 1417:13, 1475:13
nikah [5] - 1383:13, 1384:5, 1465:19, 1465:24, 1467:5
nine [3] - 1405:2, 1408:6, 1521:7
nine-minute [1] - 1521:7
Nisar [23] - 1381:18, 1387:21, 1395:22, 1400:13, 1401:5, 1413:17, 1416:17, 1416:18, 1418:15, 1420:22, 1497:11, 1501:18, 1512:23, 1515:11, 1520:20, 1520:22, 1520:25, 1521:2, 1522:25, 1523:1, 1523:14, 1525:10
Nisar's [2] - 1381:19, 1523:19
Nisar/Babar [1] - 1521:9
Nobody [1] - 1410:14
none [4] - 1440:18, 1458:17, 1509:23, 1511:3
nonstop [2] - 1398:16, 1418:9
normal [3] - 1415:14, 1417:9, 1520:17
notably [1] - 1513:21
note [6] - 1353:14, 1357:22, 1394:7, 1404:3, 1512:20, 1519:16
noted [5] - 1346:19, 1366:5, 1520:22, 1520:24, 1534:14
notes [3] - 1462:1, 1462:24
Nothing [1] - 1427:13
nothing [21] - 1350:5, 1371:15, 1391:10, 1393:19, 1404:4, 1419:14, 1436:12, 1457:5, 1463:15, 1464:13, 1467:2, 1476:8, 1476:12, 1480:1, 1484:15, 1486:9, 1495:17, 1504:7, 1511:1, 1519:10, 1532:14
Notice [1] - 1519:25
notice [5] - 1384:6, 1473:22, 1496:2, 1496:10, 1522:11
noticed [2] - 1346:15, 1360:11
notion [3] - 1469:10, 1470:11, 1477:4
notwithstanding [2] - 1381:24, 1407:1
November [6] - 1384:8, 1408:24, 1409:3, 1412:11, 1412:19, 1418:4
nowhere [2] - 1441:10, 1446:5

number [18] - 1355:19, 1362:8, 1362:9, 1363:12, 1416:17, 1418:20, 1419:9, 1480:8, 1480:9, 1480:18, 1511:25, 1513:21, 1520:24, 1520:25, 1522:21, 1522:22, 1523:2, 1523:3
numbering [1] - 1353:17
numbers [3] - 1355:19, 1364:2, 1446:21
numerous [4] - 1418:16, 1461:5, 1472:10, 1480:17

O

o'clock [1] - 1529:13
oath [6] - 1412:10, 1431:23, 1454:16, 1463:16, 1487:14, 1498:12
oaths [1] - 1404:7
object [7] - 1347:23, 1352:16, 1356:15, 1365:5, 1365:25, 1468:2, 1468:18
objected [1] - 1349:14
objecting [1] - 1357:17
Objection [5] - 1411:25, 1412:7, 1425:14, 1431:5, 1492:10
objection [4] - 1345:25, 1349:14, 1349:15, 1464:3
objections [3] - 1359:12, 1359:20, 1366:5
objective [1] - 1413:22
obligation [2] - 1428:15
observation [1] - 1456:13
observations [6] - 1349:2, 1437:8, 1437:25, 1438:13, 1438:17, 1439:24
observed [2] - 1352:12, 1456:8
observing [1] - 1348:11
obtained [1] - 1495:5
obvious [9] - 1379:7, 1388:14, 1407:4, 1407:8, 1430:3, 1441:25, 1507:8, 1512:4, 1530:14
Obviously [1] - 1403:2
obviously [11] - 1356:7, 1371:23, 1376:18, 1380:3, 1381:23, 1388:16, 1398:2, 1403:9, 1412:18, 1432:19, 1455:9
occasion [1] - 1487:6
occasions [1] - 1480:19
occurred [4] - 1380:12, 1482:4, 1482:5, 1518:10
occurs [1] - 1409:16
OF [3] - 1344:1, 1344:3, 1344:11
offensive [1] - 1530:10
offer [6] - 1355:23, 1356:1, 1376:7, 1387:7, 1389:1, 1389:4
offered [7] - 1448:14, 1473:2, 1483:8, 1499:1, 1503:7, 1508:6, 1508:7
offers [1] - 1476:8
office [5] - 1470:23, 1486:17, 1486:21
officer [14] - 1423:22, 1445:6, 1445:9, 1445:14, 1445:22, 1459:7, 1459:11, 1459:21, 1459:25, 1507:17, 1508:1, 1513:6, 1515:19, 1530:11
Officer [1] - 1424:9

officers [6] - 1444:5, 1445:8, 1446:7, 1459:24, 1460:14, 1504:24
official [2] - 1470:13, 1470:20
Official [1] - 1344:22
offspring [1] - 1465:12
often [1] - 1532:11
old [9] - 1369:24, 1377:23, 1381:13, 1382:6, 1388:6, 1399:7, 1443:11, 1503:24, 1533:3
Once [1] - 1519:20
once [10] - 1349:10, 1355:11, 1358:2, 1381:2, 1394:11, 1418:6, 1461:2, 1472:20, 1510:20, 1533:10
one [118] - 1345:25, 1352:24, 1353:16, 1353:17, 1353:23, 1354:3, 1355:19, 1357:14, 1357:15, 1357:16, 1358:19, 1359:21, 1360:7, 1360:11, 1360:12, 1360:21, 1362:14, 1363:8, 1364:6, 1365:13, 1366:23, 1367:10, 1368:3, 1370:6, 1382:22, 1384:17, 1391:11, 1391:12, 1391:14, 1393:11, 1393:13, 1394:7, 1394:10, 1397:13, 1398:18, 1404:10, 1406:18, 1410:16, 1411:14, 1414:18, 1417:3, 1417:11, 1419:6, 1420:16, 1420:17, 1422:1, 1422:8, 1423:3, 1423:8, 1428:8, 1432:23, 1432:24, 1436:17, 1437:16, 1437:17, 1438:8, 1438:9, 1438:14, 1441:20, 1442:2, 1443:2, 1443:22, 1446:6, 1446:10, 1447:13, 1448:14, 1451:2, 1451:10, 1452:12, 1455:20, 1455:21, 1457:12, 1457:15, 1457:23, 1457:24, 1458:5, 1458:18, 1459:24, 1460:5, 1462:21, 1463:20, 1463:22, 1463:23, 1464:23, 1468:8, 1470:7, 1470:15, 1470:19, 1475:9, 1477:2, 1477:3, 1477:17, 1479:1, 1481:6, 1484:21, 1486:17, 1486:20, 1491:18, 1497:24, 1500:11, 1501:24, 1508:6, 1511:5, 1514:15, 1517:13, 1517:14, 1518:4, 1518:15, 1519:8, 1519:16, 1519:19, 1519:24, 1530:2, 1530:6, 1531:8, 1532:1
One [4] - 1430:10, 1503:8, 1514:15, 1518:2
one's [3] - 1409:23, 1449:9, 1531:9
ones [9] - 1401:7, 1401:19, 1427:19, 1498:8, 1501:19, 1515:12, 1522:15, 1534:1
ongoing [2] - 1449:23, 1517:1
open [3] - 1345:1, 1434:1, 1490:1
opened [2] - 1387:18, 1400:12
opening [4] - 1403:25, 1404:5, 1406:12, 1417:2
operate [2] - 1451:1, 1509:1
operates [1] - 1409:10
opportunity [6] - 1352:8, 1368:11, 1413:24, 1415:2, 1450:4, 1526:10
opposed [6] - 1364:20, 1440:23, 1475:21, 1476:10, 1479:5, 1510:10

opposing ^[1] - 1357:12
opposite ^[1] - 1462:18
opposition ^[2] - 1357:4
option ^[1] - 1389:10
orchestrate ^[1] - 1521:22
orchestrated ^[2] - 1524:5, 1526:20
orchestrating ^[2] - 1475:17, 1479:4
order ^[4] - 1346:13, 1353:1, 1374:22, 1424:12
ordered ^[2] - 1351:14, 1433:10
ordering ^[1] - 1475:17
orders ^[1] - 1377:25
organization ^[1] - 1422:7
original ^[2] - 1363:8, 1365:10
originally ^[1] - 1363:14
Orlando ^[1] - 1427:2
otherwise ^[8] - 1355:18, 1389:8, 1405:20, 1407:23, 1443:14, 1444:9, 1453:19, 1480:2
ought ^[2] - 1500:8, 1500:9
outbursts ^[1] - 1402:20
outcome ^[2] - 1435:21, 1435:25
outline ^[1] - 1473:5
outlined ^[1] - 1353:21
outrageous ^[3] - 1445:16, 1445:17
outright ^[1] - 1529:25
outside ^[7] - 1345:1, 1367:11, 1378:14, 1387:17, 1448:19, 1472:11, 1502:15
outstanding ^[1] - 1351:24
oval ^[1] - 1514:24
overhear ^[3] - 1457:25, 1528:7
overheard ^[2] - 1528:8, 1528:13
overhearing ^[2] - 1457:22, 1482:8
overlap ^[1] - 1359:19
overnight ^[2] - 1520:17, 1521:18
Overruled ^[4] - 1412:8, 1425:15, 1431:6, 1492:11
overseas ^[1] - 1476:22
overt ^[9] - 1420:13, 1420:15, 1420:19, 1420:21, 1421:9, 1421:23, 1423:3, 1423:6, 1477:2
own ^[20] - 1382:21, 1399:15, 1401:25, 1408:25, 1410:16, 1410:21, 1415:23, 1432:11, 1437:16, 1446:21, 1466:7, 1472:4, 1483:3, 1496:21, 1508:24, 1519:10, 1522:3, 1526:25
owned ^[3] - 1421:16, 1477:23, 1508:24
owns ^[2] - 1389:23, 1478:2

P

p.m ^[16] - 1415:13, 1417:8, 1417:21, 1418:8, 1418:9, 1418:10, 1433:14, 1490:21, 1499:19, 1501:3, 1510:4, 1520:20, 1521:7, 1522:18, 1534:14
PAGE ^[1] - 1535:2
page ^[25] - 1364:20, 1365:15, 1366:3, 1367:2, 1379:6, 1383:19, 1389:5, 1390:20, 1393:15, 1394:6, 1396:10, 1397:10, 1404:9, 1405:2, 1405:10,

1408:6, 1409:14, 1410:7, 1417:17, 1419:7, 1433:22, 1439:14, 1447:16, 1489:24, 1527:4
pages ^[9] - 1353:15, 1358:15, 1363:15, 1363:18, 1363:21, 1365:10, 1382:24, 1385:23, 1391:9
paid ^[3] - 1444:11, 1464:6, 1488:19
pain ^[1] - 1499:14
painful ^[1] - 1409:24
Pakistan ^[56] - 1377:8, 1377:19, 1380:13, 1381:6, 1381:8, 1381:12, 1382:2, 1382:7, 1382:9, 1386:18, 1389:21, 1392:6, 1394:23, 1398:15, 1399:6, 1400:3, 1406:3, 1408:19, 1409:6, 1409:22, 1410:5, 1413:5, 1414:1, 1414:2, 1418:2, 1418:4, 1418:19, 1419:4, 1419:16, 1419:17, 1420:3, 1424:6, 1432:1, 1432:24, 1437:5, 1437:10, 1437:19, 1441:21, 1444:10, 1447:1, 1455:8, 1460:17, 1461:12, 1464:16, 1472:7, 1476:20, 1476:24, 1477:7, 1482:22, 1485:7, 1494:4, 1509:10, 1512:2, 1520:15, 1522:21, 1527:3
Pakistani ^[5] - 1382:4, 1382:18, 1409:10, 1482:3, 1503:25
palpable ^[1] - 1440:24
Panchayat ^[12] - 1480:19, 1480:20, 1480:21, 1480:25, 1481:4, 1481:9, 1481:12, 1482:23, 1516:3, 1516:5, 1516:12
panic ^[1] - 1412:12
paper ^[5] - 1353:4, 1357:8, 1359:15, 1360:2, 1425:6
paperwork ^[2] - 1411:16, 1411:17
Parade ^[1] - 1500:10
pardon ^[1] - 1355:16
parents ^[3] - 1392:22, 1442:10, 1511:4
Park ^[1] - 1437:10
part ^[25] - 1351:24, 1364:15, 1365:10, 1366:25, 1381:5, 1389:15, 1396:13, 1396:14, 1409:18, 1409:21, 1412:13, 1413:16, 1420:25, 1439:20, 1446:3, 1446:10, 1452:3, 1458:14, 1458:22, 1460:2, 1460:5, 1473:11, 1477:12, 1516:19, 1523:10
participated ^[1] - 1446:7
participating ^[1] - 1466:5
particular ^[11] - 1350:17, 1355:5, 1408:6, 1455:6, 1468:14, 1475:5, 1476:15, 1477:5, 1489:4, 1490:19, 1515:25
particularly ^[1] - 1406:20
parties' ^[1] - 1366:14
parts ^[1] - 1411:8
party ^[3] - 1392:23, 1435:22
pass ^[2] - 1530:7, 1532:5
passed ^[2] - 1387:17, 1394:2
passenger ^[2] - 1493:13, 1519:12
passengers ^[1] - 1508:25

passing ^[1] - 1379:23
passion ^[1] - 1440:17
passport ^[2] - 1424:20, 1468:13
passport-type ^[1] - 1468:13
past ^[13] - 1369:23, 1388:9, 1388:13, 1426:8, 1432:5, 1437:13, 1443:8, 1456:14, 1458:8, 1470:20, 1471:11, 1478:21, 1485:24
paste ^[3] - 1359:15, 1359:19, 1361:16
patched ^[1] - 1427:2
patching ^[1] - 1486:18
Patchogue ^[1] - 1455:8
paternal ^[1] - 1410:8
patience ^[1] - 1376:3
patriots ^[1] - 1500:23
pattern ^[3] - 1506:5, 1506:10, 1506:11
Patwari ^[1] - 1496:6
pause ^[18] - 1351:21, 1357:19, 1358:3, 1359:1, 1359:5, 1360:6, 1361:18, 1362:11, 1362:24, 1367:3, 1370:8, 1370:14, 1373:16, 1375:3, 1434:12, 1434:16, 1434:19, 1439:2
pausing ^[1] - 1383:2
pay ^[1] - 1437:2
paying ^[2] - 1379:7, 1444:12
payment ^[1] - 1421:19
payments ^[1] - 1455:12
peaceful ^[1] - 1389:2
pen ^[4] - 1356:4, 1359:15, 1425:6, 1439:6
People ^[2] - 1522:25
people ^[98] - 1377:20, 1380:16, 1386:14, 1393:3, 1397:4, 1397:17, 1397:24, 1398:17, 1399:6, 1407:5, 1409:19, 1414:1, 1418:11, 1419:17, 1420:3, 1422:24, 1424:1, 1426:10, 1426:12, 1433:1, 1436:22, 1437:12, 1439:10, 1441:2, 1441:5, 1442:23, 1443:13, 1444:13, 1446:2, 1446:7, 1449:24, 1450:3, 1450:6, 1450:8, 1450:10, 1450:11, 1451:20, 1453:18, 1454:6, 1455:5, 1455:6, 1455:11, 1455:13, 1455:16, 1455:18, 1455:19, 1456:1, 1456:20, 1456:25, 1457:11, 1458:8, 1458:22, 1458:24, 1459:2, 1462:13, 1463:10, 1464:8, 1466:5, 1467:22, 1471:18, 1472:7, 1472:18, 1474:9, 1475:13, 1475:14, 1476:20, 1477:9, 1477:25, 1480:9, 1480:17, 1480:23, 1481:1, 1481:2, 1482:19, 1483:18, 1485:14, 1487:11, 1487:18, 1488:15, 1490:20, 1494:3, 1494:11, 1496:15, 1501:23, 1503:20, 1504:18, 1509:9, 1509:10, 1509:21, 1509:22, 1517:22, 1522:8, 1522:22, 1526:15, 1526:17, 1530:13, 1532:25
people's ^[2] - 1435:12, 1482:16
per ^[2] - 1347:21, 1492:9
perfect ^[1] - 1443:20
perfectly ^[3] - 1398:19, 1456:7, 1475:22

perform [1] - 1530:19
perhaps [10] - 1347:4, 1350:18, 1362:8, 1442:6, 1454:12, 1454:13, 1465:6, 1472:6, 1472:8, 1479:22
period [7] - 1382:23, 1415:12, 1418:17, 1468:24, 1470:13, 1505:22, 1517:3
periodically [1] - 1379:23
permissible [1] - 1424:10
permission [3] - 1369:11, 1383:24, 1508:24
permit [1] - 1470:4
permitted [1] - 1531:7
perpetrators [2] - 1347:22, 1355:13
person [50] - 1364:19, 1371:18, 1384:22, 1397:23, 1399:5, 1399:9, 1410:21, 1418:19, 1425:6, 1430:16, 1446:11, 1451:10, 1451:17, 1454:2, 1462:9, 1462:11, 1462:16, 1463:7, 1463:8, 1471:1, 1471:12, 1481:23, 1482:9, 1484:17, 1486:4, 1495:6, 1503:2, 1509:13, 1509:14, 1513:7, 1516:4, 1516:6, 1523:17, 1525:13, 1525:18, 1526:1, 1526:9, 1526:10, 1526:15, 1526:16, 1530:15, 1530:17, 1530:23, 1530:24, 1531:1, 1531:2, 1531:3
person's [1] - 1459:5
personal [1] - 1432:13
personally [1] - 1385:25
persons [1] - 1397:13
perspective [2] - 1355:7, 1440:1
persuade [3] - 1390:18, 1478:16, 1479:13
persuaded [1] - 1382:20
petition [13] - 1379:18, 1423:18, 1423:24, 1521:1, 1529:3, 1530:11, 1530:18, 1530:20, 1530:25, 1531:2, 1531:4, 1531:11, 1531:12
petitioner [1] - 1424:11
petitioning [1] - 1530:15
phone [75] - 1382:2, 1382:9, 1383:2, 1383:4, 1383:22, 1385:9, 1387:2, 1388:15, 1390:17, 1390:18, 1397:14, 1397:21, 1398:16, 1407:21, 1414:4, 1414:7, 1416:16, 1416:17, 1418:9, 1418:15, 1418:18, 1418:20, 1418:21, 1418:24, 1419:6, 1419:25, 1420:1, 1445:2, 1458:4, 1458:5, 1458:25, 1459:1, 1460:12, 1460:21, 1461:25, 1474:6, 1474:8, 1474:20, 1475:23, 1476:14, 1476:19, 1477:11, 1478:8, 1478:23, 1479:11, 1479:14, 1481:19, 1491:16, 1517:15, 1518:11, 1518:12, 1520:8, 1520:23, 1520:24, 1521:1, 1521:6, 1521:7, 1521:8, 1521:12, 1521:25, 1522:1, 1522:6, 1522:8, 1522:12, 1522:19, 1523:4, 1523:8, 1525:8, 1525:9, 1526:17, 1528:16, 1528:17, 1528:19
phones [1] - 1449:9

phony [1] - 1464:10
photo [1] - 1468:12
photocopy [1] - 1363:2
photograph [1] - 1507:25
photographs [8] - 1381:1, 1400:19, 1449:15, 1459:23, 1468:15, 1470:1, 1470:3, 1511:15
photos [1] - 1468:13
physical [2] - 1381:1, 1486:21
pick [13] - 1378:13, 1394:20, 1395:1, 1443:25, 1460:3, 1475:13, 1508:25, 1514:2, 1515:4, 1522:8, 1525:22
picked [10] - 1383:3, 1443:20, 1445:1, 1445:13, 1446:10, 1510:23, 1513:7, 1513:12, 1515:21
picking [7] - 1354:1, 1435:3, 1442:17, 1459:17, 1461:25, 1513:11
picks [3] - 1442:13, 1509:25, 1521:12
picture [5] - 1462:14, 1477:19, 1506:8, 1506:11, 1507:24
pictured [1] - 1465:11
pictures [3] - 1453:13, 1464:9, 1470:9
piece [4] - 1352:20, 1357:8, 1360:2, 1379:6
pieces [2] - 1405:1, 1490:19
pinged [1] - 1434:18
place [33] - 1349:2, 1352:7, 1380:20, 1386:18, 1398:25, 1432:22, 1435:13, 1435:24, 1436:3, 1436:14, 1437:5, 1437:11, 1446:15, 1446:17, 1447:1, 1447:4, 1447:9, 1448:19, 1448:21, 1452:11, 1461:24, 1462:18, 1465:19, 1465:24, 1466:10, 1466:11, 1469:17, 1474:13, 1476:22, 1485:22, 1496:1, 1505:7
placed [3] - 1352:11, 1456:6, 1483:22
places [4] - 1439:23, 1447:9, 1448:12, 1496:16
plan [7] - 1350:19, 1397:3, 1466:24, 1468:5, 1521:8, 1521:23
planned [5] - 1365:7, 1377:6, 1465:21, 1474:19, 1526:19
planning [6] - 1391:6, 1399:21, 1415:6, 1420:25, 1479:5, 1526:24
plans [1] - 1394:20
played [1] - 1402:25
players [1] - 1414:2
Plaza [1] - 1344:15
pledged [1] - 1416:13
plenty [4] - 1421:15, 1477:23, 1479:6
plot [5] - 1378:22, 1380:16, 1466:5, 1477:13, 1520:6
plotted [1] - 1377:9
plotting [1] - 1399:8
point [55] - 1346:5, 1352:15, 1354:1, 1354:7, 1361:6, 1370:23, 1371:1, 1383:7, 1387:5, 1388:10, 1389:4, 1395:15, 1400:6, 1402:3, 1430:10, 1433:16, 1446:8, 1448:18, 1450:9, 1452:19, 1453:18, 1453:21, 1453:24,

1455:10, 1455:19, 1465:6, 1468:19, 1469:22, 1470:9, 1472:21, 1475:10, 1478:11, 1478:12, 1478:21, 1480:8, 1480:15, 1481:8, 1495:20, 1496:21, 1497:6, 1497:8, 1497:20, 1502:2, 1502:8, 1502:22, 1502:23, 1504:19, 1504:25, 1505:13, 1513:19, 1513:23, 1513:24, 1515:25, 1516:1, 1519:24
pointed [2] - 1388:11, 1501:20
pointing [1] - 1451:21
points [7] - 1407:15, 1436:16, 1437:7, 1477:3, 1484:9, 1484:18, 1531:19
Points [1] - 1370:1
poked [1] - 1378:1
poking [1] - 1395:24
Police [1] - 1495:4
police [48] - 1352:22, 1359:8, 1360:11, 1361:5, 1387:9, 1390:8, 1398:4, 1398:7, 1430:15, 1439:11, 1443:21, 1443:24, 1444:3, 1444:5, 1445:3, 1445:6, 1445:8, 1445:9, 1445:14, 1445:22, 1446:3, 1446:7, 1453:15, 1453:22, 1453:23, 1454:8, 1457:15, 1459:7, 1459:11, 1459:23, 1459:25, 1460:14, 1471:16, 1478:9, 1478:10, 1479:2, 1479:3, 1479:8, 1495:2, 1496:1, 1504:24, 1505:22, 1507:13, 1507:16, 1507:17, 1508:1, 1513:6, 1515:18
policeman [1] - 1453:10
polite [2] - 1446:19, 1483:15
politely [1] - 1448:5
political [1] - 1430:3
politician [3] - 1389:1, 1451:6, 1523:15
Pomp [1] - 1500:10
Pope [1] - 1444:7
portion [5] - 1347:23, 1349:6, 1349:10, 1350:9, 1350:10
portions [2] - 1347:5, 1352:4
posed [1] - 1461:16
position [14] - 1348:21, 1348:22, 1348:24, 1350:12, 1352:6, 1352:18, 1361:1, 1361:10, 1362:1, 1407:3, 1423:1, 1441:5, 1471:2, 1496:14
positions [1] - 1366:14
possibility [3] - 1352:7, 1445:18
possible [7] - 1352:24, 1393:2, 1451:12, 1451:15, 1451:18, 1492:13, 1517:12
possibly [3] - 1354:22, 1456:13, 1460:17
post [5] - 1459:9, 1459:12, 1460:7, 1460:13, 1531:11
post-arrest [1] - 1531:11
posterity [1] - 1361:21
posture [2] - 1352:17, 1354:2
potentially [1] - 1362:13
power [2] - 1471:3, 1472:1
Power [1] - 1369:25
powerful [15] - 1385:22, 1386:5, 1392:14, 1444:24, 1455:13, 1471:19,

1471:21, 1471:22, 1477:5, 1477:9, 1477:10, 1477:17, 1478:2, 1512:5, 1512:19
practice [1] - 1465:14
practices [1] - 1409:22
pray [2] - 1411:21, 1437:5
prayed [1] - 1394:15
precautions [1] - 1394:18
preceding [3] - 1417:4, 1417:19, 1523:25
precisely [3] - 1518:5, 1518:7, 1518:9
preclude [1] - 1372:20
prejudice [2] - 1355:13, 1440:17
prejudiced [2] - 1350:15, 1353:2
preliminaries [1] - 1350:25
preliminary [1] - 1533:9
premonitions [1] - 1490:11
prepare [1] - 1473:3
prepared [8] - 1349:11, 1351:2, 1353:11, 1355:22, 1356:1, 1357:21, 1394:16, 1403:22
presence [3] - 1345:1, 1367:11, 1372:1
present [16] - 1356:3, 1359:7, 1362:18, 1388:12, 1412:16, 1428:16, 1431:2, 1434:5, 1444:16, 1477:13, 1490:1, 1490:2, 1490:5, 1533:12, 1533:20
presentation [1] - 1369:11
presented [7] - 1358:18, 1369:13, 1380:10, 1380:24, 1428:21, 1445:20, 1483:25
preserve [1] - 1359:20
preserved [3] - 1359:12, 1366:6, 1366:10
presiding [1] - 1434:2
pressed [2] - 1436:18, 1458:11
presses [3] - 1474:14, 1474:15, 1474:17
pressing [1] - 1473:12
pressure [1] - 1469:11
presumably [2] - 1403:2, 1523:21
Presumably [1] - 1513:14
presume [3] - 1360:14, 1374:14
presumed [1] - 1448:22
presumption [3] - 1457:8, 1488:7, 1488:9
presumptions [1] - 1457:7
pretending [1] - 1468:2
pretty [6] - 1406:24, 1409:9, 1420:23, 1421:9, 1424:16, 1512:4
prevent [1] - 1410:1
previous [2] - 1420:1, 1525:10
previously [5] - 1348:25, 1365:21, 1369:18, 1456:6, 1457:14
principles [1] - 1409:22
print [1] - 1362:14
private [9] - 1442:7, 1442:25, 1443:5, 1443:10, 1444:9, 1457:13, 1508:15, 1509:2
privately [1] - 1508:23
problem [6] - 1363:3, 1369:19, 1373:6,

1423:11, 1486:18, 1517:8
problems [2] - 1430:2, 1480:23
procedural [5] - 1433:16, 1434:6, 1489:18, 1490:5, 1534:9
procedure [1] - 1441:22
proceed [8] - 1350:5, 1351:18, 1373:10, 1376:6, 1376:15, 1376:21, 1489:7, 1489:13
proceeded [2] - 1455:1, 1460:11
proceeding [1] - 1368:16
Proceedings [1] - 1344:25
proceedings [13] - 1351:21, 1357:19, 1358:3, 1359:1, 1359:5, 1360:6, 1361:18, 1362:11, 1362:24, 1370:8, 1373:16, 1375:3, 1534:16
prodding [1] - 1501:20
produce [1] - 1353:5
produced [1] - 1344:25
Professor [3] - 1409:11, 1409:14, 1409:15
progress [1] - 1420:25
promise [9] - 1390:2, 1390:19, 1394:5, 1403:22, 1405:5, 1440:11, 1532:23, 1532:24
promised [8] - 1364:4, 1377:10, 1378:20, 1381:17, 1381:24, 1382:19, 1408:1, 1432:1
promises [1] - 1403:19
promptly [2] - 1529:19, 1534:13
promptness [1] - 1376:3
prone [1] - 1402:19
proof [13] - 1374:11, 1401:23, 1402:8, 1413:22, 1415:5, 1425:23, 1428:12, 1454:12, 1456:2, 1466:23, 1477:3, 1511:14, 1520:3
properly [1] - 1486:14
properties [1] - 1477:23
property [2] - 1421:16, 1478:7
proposal [2] - 1352:4, 1358:5
propose [3] - 1358:15, 1358:18, 1364:25
proposed [8] - 1345:22, 1353:5, 1356:21, 1357:23, 1357:24, 1361:22, 1362:2, 1366:15
proposing [4] - 1357:2, 1357:3, 1357:16, 1358:10
prosecuted [1] - 1461:18
prosecution [5] - 1357:17, 1374:8, 1374:9, 1433:20, 1434:25
prosecutor [8] - 1372:4, 1406:16, 1436:7, 1437:11, 1441:18, 1448:8, 1452:4, 1529:12
Prosecutor [1] - 1356:20
prosecutor's [1] - 1447:19
prosecutors [11] - 1350:7, 1356:13, 1373:1, 1376:17, 1406:14, 1406:19, 1411:11, 1437:22, 1447:13, 1461:5, 1487:10
prosperity [1] - 1500:18
protect [3] - 1390:8, 1524:1, 1532:24

protection [2] - 1478:9, 1478:10
protections [1] - 1485:11
prove [15] - 1368:8, 1378:7, 1399:22, 1402:20, 1420:13, 1426:24, 1427:5, 1427:7, 1427:24, 1428:13, 1431:14, 1475:25, 1488:9, 1511:16, 1532:11
proved [4] - 1379:3, 1420:16, 1423:3, 1423:6
proven [1] - 1388:18
proves [4] - 1413:12, 1413:16, 1470:3, 1526:20
provide [1] - 1427:21
provided [8] - 1346:14, 1347:18, 1360:14, 1370:25, 1371:21, 1411:6, 1495:14, 1495:15
provides [3] - 1469:9, 1471:12, 1471:24
providing [2] - 1358:21, 1407:6
Provincial [1] - 1394:23
proviso [1] - 1356:3
provocation [1] - 1485:20
prudent [1] - 1367:15
public [10] - 1384:8, 1443:1, 1443:6, 1443:11, 1508:15, 1508:16, 1508:17, 1509:1, 1509:2, 1510:15
publicly [1] - 1470:13
published [9] - 1365:1, 1365:2, 1384:10, 1438:2, 1438:10, 1438:24, 1463:2, 1467:18, 1470:5
pulling [5] - 1396:12, 1396:14, 1401:8, 1479:24, 1496:16
Punjab [1] - 1366:4
Punjabi [3] - 1347:8, 1403:2, 1479:18
Pure [2] - 1429:18, 1429:19
purport [1] - 1355:4
purporting [1] - 1530:25
purports [4] - 1353:11, 1362:21, 1495:2, 1530:24
purpose [7] - 1349:6, 1356:6, 1366:5, 1466:12, 1481:12, 1501:12, 1508:6
purposes [4] - 1354:11, 1356:3, 1499:2, 1503:7
pursuant [2] - 1360:18, 1530:17
pushed [1] - 1471:4
pushing [1] - 1479:23
put [36] - 1348:5, 1348:12, 1348:13, 1349:1, 1349:11, 1351:11, 1353:4, 1354:21, 1355:17, 1358:19, 1359:14, 1360:2, 1364:11, 1367:15, 1378:22, 1382:21, 1384:24, 1422:18, 1422:25, 1438:22, 1447:8, 1452:9, 1468:5, 1468:11, 1483:23, 1483:24, 1484:25, 1485:21, 1495:24, 1504:12, 1505:8, 1505:19, 1505:23, 1521:8, 1530:13, 1530:20
puts [5] - 1355:7, 1425:6, 1496:2, 1496:3, 1520:3
putting [6] - 1347:23, 1437:25, 1442:1, 1466:12, 1467:22, 1495:22

<div>Q</div> <div><div>Queens [1] - 1380:19</div><div>query [1] - 1490:7</div><div>QUESTION [3] - 1404:15, 1404:17, 1409:15</div><div>questionable [1] - 1492:6</div><div>questioned [1] - 1450:23</div><div>questioning [3] - 1442:5, 1446:19, 1446:20</div><div>questions [22] - 1348:17, 1360:1, 1360:4, 1406:4, 1415:16, 1427:1, 1441:15, 1444:16, 1447:20, 1447:23, 1450:5, 1452:8, 1456:22, 1457:10, 1480:20, 1481:7, 1481:18, 1481:22, 1506:16, 1506:24, 1507:13, 1507:15</div><div>quick [4] - 1423:18, 1521:14, 1531:19</div><div>quickly [8] - 1385:6, 1451:8, 1451:9, 1451:20, 1453:16, 1502:19, 1505:8, 1505:18</div><div>quietly [1] - 1390:19</div><div>quite [4] - 1349:1, 1406:25, 1421:14, 1432:17</div><div>quote [2] - 1459:5, 1500:3</div></div>	<div>1397:2, 1499:24, 1509:7</div> <div><div>real [18] - 1408:4, 1425:11, 1440:24, 1441:7, 1448:11, 1478:15, 1480:6, 1492:3, 1493:6, 1493:7, 1493:8, 1493:17, 1493:23, 1494:1, 1494:11, 1494:14, 1533:25, 1534:1</div><div>realize [4] - 1387:11, 1390:16, 1464:22, 1498:1</div><div>really [30] - 1358:18, 1371:7, 1384:22, 1386:5, 1411:7, 1417:9, 1427:23, 1429:24, 1436:8, 1437:9, 1452:15, 1455:7, 1456:18, 1457:1, 1461:12, 1464:13, 1465:9, 1466:15, 1466:25, 1473:17, 1473:18, 1475:24, 1487:15, 1488:21, 1517:12, 1517:19, 1522:2, 1522:5</div><div>realm [1] - 1357:9</div><div>reason [29] - 1352:6, 1373:3, 1380:8, 1387:10, 1403:5, 1416:7, 1421:17, 1426:25, 1442:12, 1442:21, 1444:20, 1453:11, 1465:4, 1465:22, 1469:8, 1471:9, 1475:21, 1480:25, 1484:17, 1488:14, 1494:10, 1501:11, 1505:3, 1510:6, 1513:18, 1520:21, 1520:22, 1524:4, 1531:1</div><div>reasonable [9] - 1368:8, 1374:11, 1379:3, 1399:23, 1420:16, 1428:13, 1431:14, 1446:24, 1488:12</div><div>reasoning [1] - 1380:14</div><div>reasons [20] - 1381:7, 1406:4, 1476:8, 1493:7, 1495:20, 1497:15, 1498:23, 1502:17, 1503:4, 1505:3, 1506:15, 1508:12, 1511:25, 1513:16, 1513:21, 1516:8, 1516:22, 1517:25, 1518:2, 1526:21</div><div>rebellion [1] - 1385:4</div><div>rebuttal [15] - 1373:25, 1374:2, 1374:5, 1374:7, 1374:15, 1374:21, 1376:20, 1425:19, 1431:19, 1433:9, 1433:20, 1434:25, 1489:13, 1490:24, 1501:6</div><div>REBUTTAL [3] - 1491:2, 1528:1, 1535:10</div><div>received [7] - 1346:3, 1346:13, 1354:5, 1376:10, 1445:2, 1456:21, 1477:6</div><div>receives [2] - 1416:25, 1418:14</div><div>recent [1] - 1494:17</div><div>recess [3] - 1372:5, 1489:23, 1499:23</div><div>Recess [1] - 1433:21</div><div>recognize [3] - 1455:10, 1482:10, 1487:17</div><div>recollection [1] - 1472:21</div><div>recollections [1] - 1528:11</div><div>recommendations [1] - 1481:16</div><div>record [25] - 1345:5, 1348:7, 1348:16, 1351:22, 1357:20, 1358:20, 1361:19, 1361:21, 1362:12, 1363:25, 1364:7, 1365:10, 1365:13, 1365:22, 1366:25, 1367:15, 1368:22, 1473:15, 1486:3, 1491:8, 1494:23, 1494:25, 1495:5, 1495:12, 1514:13</div></div>	<div>recorded [11] - 1344:25, 1390:16, 1402:25, 1403:11, 1404:2, 1408:5, 1419:11, 1421:22, 1422:16, 1433:1, 1516:18</div> <div>recording [5] - 1402:4, 1486:14, 1486:16, 1486:22, 1518:11</div> <div>recordings [21] - 1402:7, 1403:4, 1403:23, 1413:13, 1413:14, 1413:21, 1425:3, 1425:24, 1427:16, 1472:14, 1472:25, 1486:18, 1491:16, 1491:19, 1491:22, 1493:9, 1493:19, 1518:14, 1532:1, 1532:10</div> <div>records [15] - 1389:22, 1408:21, 1414:8, 1415:2, 1417:11, 1417:17, 1421:10, 1424:8, 1475:2, 1475:7, 1491:16, 1518:11, 1518:12, 1520:8</div> <div>recount [1] - 1484:19</div> <div>rectifying [1] - 1346:17</div> <div>red [6] - 1357:23, 1496:8, 1508:16, 1514:22</div> <div>red-line [1] - 1357:23</div> <div>redact [5] - 1349:16, 1352:4, 1355:11, 1358:10, 1362:19</div> <div>redacted [6] - 1348:5, 1349:11, 1349:17, 1350:10, 1358:6, 1360:17</div> <div>redaction [2] - 1350:19, 1356:8</div> <div>redactions [3] - 1353:5, 1359:9, 1366:15</div> <div>reducing [1] - 1363:17</div> <div>refer [2] - 1481:4, 1491:7</div> <div>reference [1] - 1404:6</div> <div>referenced [1] - 1494:17</div> <div>references [1] - 1494:2</div> <div>referred [11] - 1384:10, 1423:20, 1426:9, 1438:2, 1438:10, 1438:24, 1451:14, 1463:2, 1467:18, 1470:5, 1481:5</div> <div>referring [2] - 1346:21, 1454:17</div> <div>reflect [3] - 1348:16, 1453:19, 1454:1</div> <div>reflects [1] - 1359:9</div> <div>refreshes [2] - 1472:20, 1472:24</div> <div>regard [6] - 1347:12, 1355:12, 1360:13, 1366:15, 1475:18, 1484:5</div> <div>regarding [3] - 1352:9, 1360:16, 1494:23</div> <div>regardless [1] - 1493:3</div> <div>regular [4] - 1443:11, 1444:1, 1508:20, 1510:2</div> <div>rehearsing [1] - 1462:23</div> <div>reject [1] - 1402:21</div> <div>relate [2] - 1381:10, 1436:5</div> <div>relates [1] - 1423:17</div> <div>relating [1] - 1423:13</div> <div>relations [1] - 1450:24</div> <div>relationship [11] - 1385:19, 1387:11, 1406:14, 1407:20, 1411:12, 1462:2, 1462:6, 1498:16, 1502:15, 1512:10, 1530:3</div> <div>relationships [1] - 1464:19</div> <div>relative [6] - 1423:18, 1423:24, 1450:20,</div>
<div>R</div> <div><div>racing [1] - 1475:19</div><div>rage [1] - 1377:9</div><div>raid [1] - 1471:18</div><div>raiding [2] - 1459:17, 1460:4</div><div>raids [1] - 1472:2</div><div>raise [2] - 1352:8, 1430:24</div><div>raised [5] - 1360:23, 1446:25, 1479:15, 1491:6, 1528:4</div><div>raising [3] - 1370:18, 1371:22, 1372:13</div><div>ramshod [1] - 1470:15</div><div>ran [16] - 1384:17, 1395:12, 1411:3, 1413:7, 1429:12, 1451:9, 1456:3, 1456:9, 1456:12, 1468:10, 1496:12, 1496:13, 1505:7, 1505:18, 1525:14</div><div>random [1] - 1354:11</div><div>rat [1] - 1455:24</div><div>rat-a-tat-tat [1] - 1455:24</div><div>rather [2] - 1439:6, 1453:18</div><div>Ravi [1] - 1344:21</div><div>ravishing [1] - 1500:17</div><div>rays [1] - 1500:17</div><div>re [1] - 1349:6</div><div>re-readmitting [1] - 1349:6</div><div>reach [3] - 1379:14, 1416:3, 1431:21</div><div>reaching [2] - 1518:6, 1519:23</div><div>reacting [1] - 1453:18</div><div>read [16] - 1346:21, 1353:2, 1355:1, 1358:22, 1362:20, 1402:5, 1428:22, 1435:17, 1447:22, 1473:6, 1484:7, 1484:8, 1485:2, 1500:2, 1533:24</div><div>readmitting [2] - 1349:5, 1349:6</div><div>reads [1] - 1439:14</div><div>ready [6] - 1350:4, 1373:9, 1376:6,</div></div>		

1451:17, 1452:15, 1454:3
relatives [5] - 1392:19, 1464:15, 1472:7, 1476:17, 1480:16
relevant [6] - 1353:17, 1379:9, 1379:25, 1423:23, 1436:20, 1476:14
reliable [1] - 1430:6
relied [1] - 1347:8
relief [1] - 1425:16
relieved [1] - 1423:14
religious [2] - 1465:19, 1465:23
reloading [2] - 1396:24, 1429:20
reluctantly [2] - 1393:10, 1523:9
rely [2] - 1431:10, 1477:15
remained [1] - 1394:16
remaining [1] - 1499:21
remedied [1] - 1353:22
Remember [7] - 1401:1, 1409:12, 1426:10, 1504:11, 1505:2, 1508:13, 1521:17
remember [34] - 1371:11, 1385:16, 1386:16, 1389:20, 1391:20, 1394:1, 1394:14, 1394:22, 1395:2, 1395:10, 1396:18, 1396:20, 1396:21, 1397:6, 1402:24, 1403:8, 1404:5, 1408:8, 1408:11, 1414:18, 1419:13, 1421:10, 1426:19, 1431:12, 1431:22, 1436:18, 1456:11, 1466:2, 1474:24, 1478:4, 1481:5, 1494:5, 1513:25, 1520:14
reminded [1] - 1412:22
render [1] - 1381:3
repeat [1] - 1389:14
repeated [1] - 1517:10
repeatedly [4] - 1415:1, 1461:15, 1473:16, 1474:3
repeating [1] - 1525:12
report [11] - 1349:1, 1354:17, 1355:4, 1355:6, 1355:12, 1359:8, 1360:17, 1362:2, 1418:22, 1441:16, 1496:1
reported [1] - 1490:17
Reporter [2] - 1344:22, 1344:22
reporter [2] - 1371:22, 1495:8
reporting [1] - 1440:10
reports [1] - 1360:11
representatives [1] - 1472:15
represented [1] - 1353:13
Republic [1] - 1476:25
reputation [2] - 1384:23, 1413:7
request [4] - 1374:2, 1374:3, 1374:5, 1374:7
requested [2] - 1345:24, 1366:14
require [1] - 1488:9
required [4] - 1368:8, 1376:18, 1411:18, 1467:2
requires [5] - 1445:17, 1463:16, 1487:15, 1488:25, 1499:12
reserve [1] - 1374:2
reserved [1] - 1374:21
residents [1] - 1476:19
resolve [1] - 1351:24

resolved [1] - 1403:16
respect [20] - 1346:7, 1349:13, 1349:20, 1360:20, 1361:10, 1364:6, 1366:1, 1366:2, 1366:3, 1370:3, 1372:16, 1400:4, 1405:4, 1407:18, 1423:15, 1430:24, 1443:23, 1491:19, 1513:17, 1528:5
respected [3] - 1432:19, 1480:22, 1481:5
respectfully [1] - 1438:5
respond [3] - 1383:10, 1528:20, 1528:23
responding [2] - 1460:1, 1460:15
response [2] - 1367:19, 1388:12
responsibilities [1] - 1470:23
responsibility [2] - 1407:11, 1488:21
responsible [3] - 1391:5, 1399:9, 1455:1
rest [19] - 1351:2, 1373:18, 1373:21, 1377:18, 1378:6, 1378:8, 1382:22, 1386:20, 1392:17, 1413:4, 1416:24, 1422:19, 1455:6, 1456:17, 1465:9, 1465:10, 1470:14, 1504:23, 1524:1
restful [1] - 1534:3
restore [1] - 1409:20
restored [1] - 1402:11
restroom [4] - 1489:10, 1489:11, 1489:12, 1499:15
rests [5] - 1367:21, 1373:20, 1374:11, 1376:11, 1428:12
result [4] - 1359:18, 1409:13, 1441:8, 1458:18
results [2] - 1465:11, 1465:12
retire [1] - 1533:15
retrospect [1] - 1461:9
return [5] - 1385:3, 1386:13, 1393:18, 1414:21, 1526:4
returned [5] - 1385:12, 1403:21, 1408:25, 1409:2, 1493:15
returning [1] - 1384:25
reveal [1] - 1532:11
revenge [2] - 1396:1, 1423:1
reversed [1] - 1490:18
review [2] - 1358:2, 1403:12
reviewed [1] - 1352:5
revised [1] - 1362:14
Rezar [1] - 1523:15
rich [10] - 1444:24, 1455:13, 1471:19, 1471:21, 1471:22, 1472:9, 1477:9, 1477:10, 1477:17, 1478:2
RICHARD [1] - 1344:17
Richard [1] - 1345:7
riddled [1] - 1387:18
ride [1] - 1511:7
riding [1] - 1395:7
rifle [3] - 1395:25, 1396:24, 1429:21
rifles [2] - 1396:5, 1451:14
right-to-left [1] - 1347:7
rights [8] - 1483:25, 1484:1, 1484:6, 1484:16, 1484:24, 1485:5, 1485:10,

1486:23
ringing [1] - 1386:9
rise [3] - 1375:4, 1490:3, 1501:2
risk [4] - 1407:7, 1440:24, 1440:25
road [2] - 1452:1, 1514:17
roads [1] - 1470:24
Rockefeller [1] - 1464:9
role [10] - 1392:6, 1407:11, 1436:24, 1447:2, 1448:6, 1469:16, 1487:12, 1487:20, 1489:4, 1531:23
roof [4] - 1452:16, 1453:12, 1453:14, 1514:24
rooftop [3] - 1452:16, 1504:22, 1504:23
room [10] - 1433:11, 1435:23, 1439:19, 1483:19, 1483:20, 1483:23, 1483:24, 1485:14, 1486:16, 1533:16
rooms [1] - 1458:23
root [1] - 1471:6
roughly [1] - 1470:20
route [1] - 1508:25
routine [1] - 1417:15
rows [1] - 1509:12
RPR [1] - 1344:22
Ruckhsana [18] - 1496:13, 1496:20, 1497:9, 1497:17, 1497:22, 1498:4, 1499:5, 1501:15, 1501:17, 1503:10, 1504:3, 1504:4, 1504:9, 1505:4, 1505:6, 1505:14, 1505:16, 1505:25
Ruckhsana's [1] - 1506:12
rue [1] - 1500:19
Ruhksana [1] - 1414:23
ruined [1] - 1393:7
Rukhsana [75] - 1347:25, 1348:9, 1350:17, 1352:8, 1353:9, 1378:8, 1385:14, 1385:17, 1387:5, 1387:15, 1387:24, 1390:9, 1394:15, 1394:17, 1394:18, 1394:25, 1395:1, 1395:5, 1395:9, 1395:11, 1395:14, 1396:6, 1397:7, 1398:7, 1400:1, 1400:5, 1400:11, 1400:21, 1401:4, 1418:11, 1422:18, 1426:21, 1428:25, 1429:8, 1429:15, 1429:25, 1430:20, 1431:2, 1432:16, 1432:20, 1436:13, 1437:23, 1439:15, 1440:11, 1441:9, 1441:11, 1446:2, 1449:12, 1450:12, 1452:22, 1453:7, 1453:16, 1453:25, 1454:5, 1454:24, 1459:4, 1466:2, 1481:7, 1495:19, 1505:1, 1506:7, 1506:20, 1506:25, 1507:4, 1507:19, 1513:1, 1514:6, 1515:8, 1515:13, 1516:4, 1523:1, 1528:6, 1531:20, 1533:3
rule [2] - 1358:13, 1441:22
ruled [4] - 1348:19, 1350:14, 1360:13, 1365:23
rules [2] - 1380:22, 1437:19
ruling [4] - 1350:9, 1356:8, 1360:18, 1366:2
rumors [2] - 1458:19
run [7] - 1377:15, 1452:7, 1459:18, 1460:7, 1476:4, 1496:15, 1532:6

running [12] - 1395:4, 1395:13, 1446:2, 1452:13, 1455:18, 1456:13, 1456:14, 1458:20, 1458:23, 1459:15, 1470:15, 1497:23
runs [2] - 1451:3, 1525:18

S

sadness [1] - 1384:21
safe [3] - 1394:18, 1395:20, 1399:16
Sain [9] - 1387:22, 1395:23, 1400:13, 1401:5, 1413:18, 1418:15, 1497:11, 1501:18, 1515:11
sake [1] - 1364:3
samples [1] - 1424:16
sanctioned [1] - 1471:4
sat [4] - 1386:24, 1436:25, 1488:16, 1504:15
satisfied [5] - 1378:19, 1398:20, 1399:9, 1410:22, 1410:24
satisfy [2] - 1346:13, 1423:5
satisfying [1] - 1353:22
Saturday [1] - 1475:11
save [2] - 1385:3, 1393:24
saved [2] - 1388:2, 1418:20
saving [1] - 1393:24
saw [56] - 1381:9, 1385:6, 1395:7, 1395:17, 1395:21, 1395:22, 1395:24, 1396:7, 1401:12, 1401:20, 1401:21, 1407:19, 1408:21, 1411:13, 1418:11, 1429:24, 1429:25, 1430:22, 1436:13, 1438:20, 1439:16, 1445:18, 1449:13, 1450:1, 1450:6, 1450:15, 1452:12, 1453:1, 1453:4, 1454:24, 1471:19, 1472:11, 1472:19, 1475:1, 1477:19, 1497:18, 1497:21, 1498:7, 1501:16, 1501:17, 1503:15, 1504:2, 1504:12, 1504:23, 1505:1, 1507:1, 1507:2, 1507:17, 1507:21, 1507:24, 1510:13, 1515:11, 1532:5
scam [2] - 1464:8, 1466:16
scare [3] - 1405:3, 1410:15, 1410:17
scared [2] - 1386:2, 1386:3
scarf [18] - 1505:1, 1505:4, 1505:15, 1505:17, 1505:19, 1505:23, 1506:4, 1506:5, 1506:6, 1506:13, 1506:20, 1506:25, 1507:1, 1507:4, 1507:6, 1507:7
scatter [1] - 1485:25
scatter-shod [1] - 1485:25
scene [34] - 1398:6, 1451:8, 1453:20, 1457:15, 1459:22, 1460:1, 1460:14, 1487:23, 1487:24, 1497:10, 1497:12, 1503:11, 1504:5, 1504:9, 1504:15, 1504:20, 1504:23, 1505:7, 1505:14, 1507:14, 1507:18, 1507:20, 1508:2, 1508:8, 1513:12, 1514:1, 1515:15, 1515:19, 1515:21, 1517:25, 1521:3, 1522:23, 1523:1, 1526:17
scenes [1] - 1458:24

schedule [2] - 1510:2, 1510:4
scheduled [2] - 1383:13, 1383:14
schemed [1] - 1377:9
school [40] - 1369:24, 1377:23, 1386:11, 1388:21, 1394:16, 1394:19, 1398:6, 1398:12, 1399:7, 1401:8, 1429:5, 1432:10, 1442:7, 1442:14, 1443:18, 1443:25, 1445:8, 1445:14, 1450:1, 1451:4, 1466:15, 1508:9, 1508:14, 1508:17, 1508:18, 1509:4, 1509:7, 1509:8, 1509:24, 1510:2, 1510:8, 1510:10, 1510:11, 1510:13, 1510:14, 1511:9, 1512:3, 1513:7, 1515:17
schools [3] - 1443:16, 1470:24, 1510:20
scissors [3] - 1359:15, 1359:19, 1361:16
scope [1] - 1352:25
scored [1] - 1435:20
scores [2] - 1461:23, 1463:19
screamed [1] - 1497:19
screaming [1] - 1453:21
screen [1] - 1506:3
screens [1] - 1506:4
script [1] - 1473:4
scrutinize [2] - 1447:3, 1486:13
scrutiny [2] - 1428:19, 1458:15
se [1] - 1492:9
search [1] - 1421:20
searching [1] - 1527:1
seat [1] - 1377:5
seated [6] - 1345:20, 1367:18, 1376:4, 1434:22, 1490:22, 1501:5
seats [1] - 1509:12
second [14] - 1355:6, 1358:5, 1360:22, 1360:25, 1366:23, 1392:5, 1406:7, 1439:14, 1488:23, 1497:2, 1500:4, 1500:22, 1504:8, 1518:15
second-guessed [1] - 1488:23
secondly [1] - 1346:6
seconds [4] - 1435:16, 1435:20, 1435:23, 1512:11
secret [2] - 1377:13, 1382:15
Secretary [1] - 1350:22
secretly [1] - 1385:20
sector [2] - 1427:1, 1427:10
secured [1] - 1443:22
see [70] - 1348:14, 1349:10, 1350:18, 1353:11, 1356:7, 1356:9, 1356:15, 1357:3, 1357:8, 1357:16, 1358:7, 1358:17, 1359:25, 1360:3, 1363:22, 1365:9, 1378:20, 1382:8, 1382:12, 1392:10, 1395:19, 1396:17, 1416:1, 1417:19, 1418:16, 1421:13, 1422:12, 1427:22, 1430:16, 1431:1, 1439:3, 1439:17, 1441:5, 1446:20, 1449:16, 1451:16, 1452:9, 1453:13, 1454:7, 1454:8, 1456:7, 1459:23, 1468:9, 1470:1, 1473:8, 1473:11, 1476:5, 1477:18, 1494:23, 1497:10, 1500:16,

1500:17, 1501:15, 1503:19, 1504:5, 1506:4, 1506:21, 1507:4, 1507:5, 1507:7, 1507:11, 1507:21, 1514:12, 1515:10, 1525:7, 1532:6, 1533:2, 1534:3, 1534:12
seeing [6] - 1396:2, 1453:22, 1499:9, 1506:20, 1506:25, 1515:19
seeking [2] - 1361:3, 1415:7
seem [4] - 1411:8, 1413:15, 1528:10, 1528:25
Seemab [110] - 1347:25, 1348:10, 1353:9, 1378:8, 1385:14, 1385:23, 1386:13, 1387:6, 1388:4, 1388:6, 1388:8, 1388:11, 1388:13, 1388:14, 1390:4, 1395:1, 1395:9, 1395:13, 1396:2, 1396:6, 1396:7, 1396:11, 1397:2, 1397:6, 1398:4, 1400:1, 1400:5, 1400:21, 1401:4, 1418:11, 1428:25, 1429:4, 1429:9, 1429:11, 1429:14, 1429:16, 1429:20, 1429:24, 1430:21, 1431:1, 1432:16, 1432:18, 1436:13, 1437:24, 1439:16, 1440:10, 1441:10, 1445:15, 1449:13, 1453:8, 1453:25, 1454:24, 1458:9, 1472:18, 1481:18, 1482:8, 1495:19, 1495:23, 1496:2, 1496:11, 1496:13, 1496:20, 1496:23, 1497:9, 1497:16, 1497:18, 1498:4, 1499:6, 1501:15, 1501:17, 1503:10, 1504:3, 1504:5, 1507:14, 1507:17, 1507:19, 1508:7, 1508:13, 1508:16, 1508:23, 1509:1, 1509:3, 1509:9, 1510:1, 1510:7, 1510:9, 1511:1, 1511:2, 1511:6, 1511:8, 1511:17, 1511:18, 1511:23, 1513:12, 1514:2, 1514:5, 1514:9, 1514:14, 1514:16, 1515:1, 1515:4, 1515:7, 1515:10, 1515:22, 1528:7, 1528:12, 1528:18, 1531:21
Seemab's [7] - 1389:5, 1395:4, 1396:9, 1397:10, 1400:14, 1513:22, 1514:13
seemingly [1] - 1387:6
sees [13] - 1438:9, 1450:2, 1450:3, 1451:10, 1452:12, 1452:18, 1452:19, 1453:12, 1453:16, 1453:20, 1454:3, 1454:4, 1454:5
selected [1] - 1533:9
self [1] - 1420:23
self-explanatory [1] - 1420:23
sell [1] - 1472:5
send [8] - 1362:13, 1372:5, 1378:7, 1388:20, 1476:25, 1478:3, 1525:23, 1529:7
sending [4] - 1362:17, 1471:21, 1477:11, 1490:18
sends [1] - 1476:23
sense [41] - 1351:16, 1357:6, 1364:3, 1364:8, 1364:9, 1379:14, 1411:7, 1423:9, 1431:21, 1443:21, 1449:21, 1449:22, 1450:18, 1452:2, 1455:5, 1455:22, 1455:25, 1458:15, 1469:6,

1471:15, 1477:16, 1481:3, 1482:3,
1482:4, 1482:6, 1486:7, 1487:2,
1487:3, 1496:14, 1496:17, 1496:25,
1501:10, 1510:5, 1516:7, 1516:9,
1516:15, 1518:1, 1530:7, 1530:8,
1531:23
sensing [1] - 1387:6
sent [7] - 1371:21, 1385:7, 1421:12,
1421:19, 1445:14, 1477:16, 1490:10
sentences [1] - 1477:8
separate [1] - 1367:21
separated [3] - 1396:7, 1397:7, 1429:16
September [1] - 1409:2
sequential [1] - 1362:8
seriatim [1] - 1484:11
series [1] - 1390:15
serious [13] - 1425:10, 1430:2, 1435:14,
1456:18, 1458:21, 1462:17, 1463:13,
1464:2, 1487:11, 1517:6, 1532:15,
1532:16
seriously [2] - 1426:4
servant [1] - 1387:23
service [1] - 1346:16
session [1] - 1461:15
set [7] - 1366:14, 1377:10, 1381:8,
1392:18, 1462:13, 1481:20, 1481:24
setting [1] - 1466:4
seven [6] - 1381:8, 1417:5, 1451:13,
1455:9, 1455:25, 1476:10
seven-and-a-half [1] - 1476:10
seven-hour-and-39-minute [1] -
1417:23
several [8] - 1386:19, 1402:5, 1424:16,
1470:22, 1493:7, 1495:25, 1496:2,
1522:11
shade [1] - 1492:13
shading [1] - 1411:22
shadow [1] - 1403:22
Shakeel [1] - 1413:3
shall [1] - 1500:20
shamed [1] - 1409:20
shape [1] - 1473:2
sharp [1] - 1534:4
shed [2] - 1390:6, 1478:13
sheds [1] - 1485:23
sheets [1] - 1345:23
shell [1] - 1397:1
shelter [1] - 1422:8
Shews [1] - 1500:10
shift [9] - 1417:6, 1417:18, 1417:20,
1417:23, 1418:3, 1520:17, 1520:18,
1520:19, 1521:19
shifts [6] - 1417:4, 1417:15, 1417:24,
1475:3, 1475:5, 1475:8
shines [1] - 1403:23
shivering [1] - 1497:19
SHO [1] - 1445:14
shod [1] - 1485:25
shoot [12] - 1389:12, 1389:16, 1389:17,

1390:3, 1401:3, 1472:19, 1498:7,
1498:8, 1532:3, 1532:19, 1532:20,
1532:21
shooter [1] - 1414:23
shooters [9] - 1472:22, 1496:15,
1499:10, 1503:13, 1503:14, 1503:15,
1503:18, 1504:2, 1504:12
shooting [24] - 1348:11, 1352:13,
1391:15, 1392:9, 1392:11, 1401:2,
1446:15, 1447:4, 1448:20, 1450:1,
1450:3, 1451:1, 1456:5, 1481:3,
1504:14, 1504:21, 1505:6, 1505:8,
1512:22, 1528:15, 1532:3, 1532:18
shootings [2] - 1437:4, 1474:12
short [4] - 1384:6, 1415:21, 1459:21,
1475:8
shorter [5] - 1417:14, 1417:24, 1423:16,
1475:3, 1475:6
shortest [1] - 1418:3
shorthand [1] - 1423:21
shortly [3] - 1351:8, 1395:9, 1395:18
Shoshi [3] - 1408:9, 1408:17
shot [4] - 1395:22, 1451:11, 1454:2,
1472:22
shots [3] - 1377:8, 1432:1, 1531:21
show [20] - 1356:13, 1356:21, 1358:24,
1378:5, 1391:23, 1398:25, 1414:8,
1415:2, 1415:3, 1418:1, 1424:8,
1430:1, 1437:12, 1456:22, 1457:11,
1485:7, 1494:19, 1502:7, 1506:6,
1518:15
showed [6] - 1364:11, 1440:9, 1459:24,
1484:13, 1494:19, 1514:9
showing [3] - 1369:14, 1483:19,
1495:22
shown [1] - 1449:15
shows [11] - 1365:22, 1413:23, 1415:10,
1416:9, 1417:2, 1418:6, 1436:12,
1439:13, 1449:19, 1474:14, 1512:17
Shujat [74] - 1377:15, 1377:19, 1378:20,
1381:6, 1381:9, 1381:13, 1381:24,
1382:1, 1382:11, 1382:14, 1382:19,
1384:8, 1384:17, 1385:6, 1385:8,
1385:16, 1387:4, 1387:11, 1390:14,
1392:18, 1394:4, 1397:3, 1399:8,
1399:13, 1399:14, 1399:15, 1399:21,
1400:10, 1400:23, 1402:10, 1403:20,
1406:14, 1407:19, 1407:25, 1408:3,
1408:9, 1411:3, 1411:12, 1413:11,
1413:18, 1416:14, 1419:5, 1420:7,
1421:20, 1422:1, 1422:3, 1422:10,
1422:11, 1422:17, 1426:2, 1426:5,
1432:7, 1461:25, 1462:9, 1462:11,
1463:25, 1468:4, 1469:3, 1469:5,
1480:2, 1493:3, 1493:6, 1493:16,
1493:25, 1498:15, 1498:16, 1502:15,
1512:9, 1512:12, 1512:14, 1512:18,
1527:1, 1530:4
Shujat's [18] - 1377:20, 1377:22,
1384:18, 1385:19, 1387:12, 1397:5,

1409:5, 1413:18, 1416:14, 1419:5,
1421:6, 1422:3, 1422:17, 1432:8,
1493:3, 1498:15, 1502:13, 1520:6
siblings [2] - 1381:18, 1393:23
side [7] - 1374:24, 1437:17, 1442:20,
1456:5, 1479:6, 1517:25, 1533:12
sides [7] - 1359:12, 1359:18, 1359:20,
1360:3, 1361:12, 1366:5, 1474:20
sight [1] - 1450:19
sign [9] - 1424:5, 1424:10, 1424:11,
1424:14, 1424:15, 1425:13, 1464:19,
1530:24
signatory [2] - 1353:10, 1531:14
signature [6] - 1424:15, 1424:17,
1467:20, 1467:23, 1468:20, 1485:2
signed [3] - 1411:17, 1424:25, 1531:13
significance [3] - 1404:21, 1415:22,
1500:22
significant [4] - 1418:5, 1418:23,
1441:1, 1461:6
significantly [2] - 1423:16, 1486:11
signing [4] - 1424:23, 1463:21, 1464:4,
1466:6
signs [1] - 1531:2
similarly [1] - 1483:18
simple [2] - 1425:13, 1512:4
simply [3] - 1402:22, 1438:12, 1515:4
single [6] - 1398:22, 1405:6, 1457:23,
1459:3, 1477:18, 1485:20
sister [11] - 1377:22, 1383:2, 1384:1,
1384:2, 1432:19, 1472:21, 1474:8,
1507:21, 1507:23, 1508:2, 1511:20
sister's [5] - 1398:5, 1399:16, 1401:9,
1481:23, 1497:18
sisters [3] - 1469:12, 1469:17, 1479:14
sit [3] - 1360:5, 1478:18, 1487:5
sitting [8] - 1380:9, 1398:11, 1440:25,
1478:11, 1482:8, 1486:15, 1507:21,
1511:19
situation [2] - 1410:12, 1416:10
six [6] - 1377:11, 1385:20, 1422:16,
1442:16, 1443:15, 1510:20
skepticism [3] - 1446:24, 1457:19,
1457:20
sketch [6] - 1352:9, 1352:10, 1352:11,
1353:12, 1353:13, 1358:6
sketches [3] - 1351:25, 1353:16,
1353:20
sleep [2] - 1523:7, 1524:2
sleeping [9] - 1388:9, 1388:10, 1390:6,
1400:17, 1419:21, 1419:22, 1419:25,
1525:4, 1525:7
sleeps [1] - 1444:22
slept [1] - 1483:20
slip [1] - 1428:3
Slope [1] - 1437:10
small [3] - 1441:4, 1444:10, 1462:25
smelled [1] - 1387:8
smile [1] - 1470:8
smiling [2] - 1470:2, 1470:10

snippet ^[1] - 1480:4
snuck ^[1] - 1382:12
so-called ^[1] - 1471:7
soccer ^[4] - 1435:11, 1435:13, 1438:22, 1494:18
soil ^[1] - 1380:16
solace ^[1] - 1432:24
solely ^[2] - 1379:24, 1428:12
solemn ^[1] - 1500:8
solemnized ^[1] - 1500:9
solution ^[1] - 1386:11
Someone ^[1] - 1419:3
someone ^[39] - 1364:18, 1369:20, 1380:17, 1392:21, 1393:5, 1396:14, 1397:20, 1404:19, 1422:6, 1424:9, 1442:6, 1458:1, 1460:16, 1461:6, 1464:3, 1464:6, 1470:21, 1471:10, 1471:23, 1478:25, 1479:10, 1482:24, 1484:23, 1505:23, 1505:25, 1507:7, 1509:19, 1516:2, 1516:19, 1517:7, 1517:12, 1517:20, 1528:24, 1528:25, 1530:16, 1530:21
something's ^[2] - 1416:7, 1522:5
sometimes ^[7] - 1374:6, 1374:9, 1382:12, 1407:12, 1436:19, 1494:18, 1509:11
Somewhere ^[1] - 1522:17
somewhere ^[5] - 1397:15, 1440:3, 1469:2, 1522:16, 1522:18
son ^[7] - 1365:12, 1381:19, 1387:22, 1389:9, 1410:24, 1458:3, 1520:25
son-in-law ^[1] - 1387:22
soon ^[2] - 1425:17, 1480:14
sorry ^[7] - 1348:1, 1389:14, 1396:19, 1397:16, 1492:22, 1499:11, 1524:3
sort ^[9] - 1346:15, 1354:1, 1407:14, 1439:9, 1466:16, 1473:4, 1480:22, 1502:12, 1522:9
sorting ^[1] - 1482:14
Sosinsky ^[12] - 1345:11, 1355:21, 1357:2, 1358:1, 1358:9, 1358:24, 1367:19, 1406:11, 1434:14, 1434:23, 1489:20
SOSINSKY ^[90] - 1344:19, 1345:11, 1347:3, 1347:12, 1347:15, 1347:17, 1348:7, 1348:15, 1348:23, 1349:4, 1349:21, 1350:4, 1351:1, 1351:6, 1351:19, 1354:16, 1354:25, 1355:3, 1355:24, 1356:2, 1356:6, 1356:11, 1356:14, 1356:16, 1356:19, 1356:23, 1356:25, 1357:11, 1359:21, 1359:23, 1360:7, 1360:10, 1361:14, 1361:20, 1361:24, 1362:3, 1362:5, 1362:10, 1363:6, 1364:9, 1364:15, 1364:23, 1364:25, 1365:4, 1365:6, 1365:17, 1365:20, 1366:13, 1366:18, 1366:21, 1367:7, 1367:20, 1370:6, 1370:13, 1370:15, 1370:17, 1370:23, 1371:4, 1371:9, 1371:11, 1371:13, 1371:19, 1372:3, 1372:8, 1372:12, 1372:19,

1376:7, 1376:11, 1411:25, 1412:7, 1425:14, 1431:5, 1433:18, 1434:8, 1434:15, 1435:5, 1435:8, 1435:9, 1438:3, 1438:11, 1438:25, 1439:3, 1463:3, 1467:19, 1470:6, 1483:11, 1483:13, 1489:21, 1534:11, 1535:8
Sosinsky's ^[1] - 1404:5
sound ^[5] - 1395:10, 1395:13, 1458:13, 1526:9, 1534:3
sounded ^[1] - 1397:20
source ^[1] - 1352:21
South ^[1] - 1460:19
spared ^[2] - 1405:17, 1525:1
speakerphone ^[4] - 1457:24, 1458:6, 1458:12, 1458:25
speaking ^[10] - 1408:7, 1414:2, 1414:9, 1414:17, 1415:1, 1458:24, 1462:13, 1480:3
speaks ^[5] - 1364:22, 1418:14, 1418:15, 1474:8, 1485:13
Special ^[1] - 1345:7
special ^[1] - 1460:21
specific ^[3] - 1411:16, 1494:2, 1508:6
specifically ^[4] - 1352:10, 1423:14, 1462:14, 1514:1
sped ^[1] - 1384:18
spelling ^[1] - 1442:2
spend ^[3] - 1406:3, 1406:11, 1529:2
spent ^[2] - 1491:24, 1501:9
spoken ^[2] - 1412:24, 1412:25
spontaneously ^[1] - 1485:19
sports ^[1] - 1500:10
spot ^[13] - 1353:9, 1355:15, 1412:5, 1438:4, 1439:14, 1439:15, 1441:16, 1449:12, 1454:21, 1454:24, 1495:7, 1495:15
spread ^[1] - 1502:18
square ^[2] - 1432:23, 1514:22
Square ^[1] - 1487:24
squared ^[1] - 1359:25
squish ^[1] - 1509:11
stake ^[1] - 1378:15
stand ^[16] - 1353:3, 1380:15, 1395:10, 1402:14, 1412:5, 1447:20, 1491:11, 1497:17, 1497:25, 1498:18, 1502:10, 1502:22, 1503:2, 1510:7, 1510:13, 1512:2
standard ^[1] - 1488:10
standing ^[20] - 1348:10, 1352:12, 1355:8, 1360:17, 1395:23, 1438:6, 1438:14, 1438:16, 1440:8, 1451:15, 1454:18, 1496:3, 1496:21, 1501:18, 1511:6, 1515:12, 1522:23, 1526:18
stands ^[2] - 1482:24, 1509:13
staple ^[1] - 1364:10
start ^[13] - 1399:24, 1414:13, 1430:13, 1441:1, 1461:15, 1491:22, 1498:24, 1501:8, 1503:5, 1529:17, 1529:19, 1529:20, 1534:13
started ^[10] - 1345:21, 1350:21,

1381:13, 1381:14, 1417:20, 1464:6, 1497:21, 1497:23, 1504:18, 1521:23
starting ^[3] - 1397:24, 1416:10, 1432:22
starts ^[2] - 1442:17, 1485:21
state ^[8] - 1345:4, 1372:7, 1372:10, 1427:3, 1427:6, 1427:7, 1427:18, 1437:1
State ^[2] - 1345:8, 1350:22
statement ^[15] - 1347:24, 1348:14, 1350:13, 1350:17, 1371:25, 1372:20, 1374:20, 1376:19, 1393:8, 1403:25, 1404:6, 1406:12, 1409:19, 1525:15, 1530:1
statements ^[8] - 1347:21, 1354:18, 1367:14, 1402:17, 1421:3, 1461:16, 1473:9, 1531:11
STATES ^[3] - 1344:1, 1344:3, 1344:12
states ^[2] - 1353:8, 1500:16
States ^[25] - 1344:5, 1344:14, 1344:18, 1385:1, 1385:3, 1389:20, 1390:12, 1408:20, 1408:24, 1409:1, 1409:2, 1433:2, 1435:15, 1439:9, 1460:17, 1463:24, 1466:17, 1467:13, 1469:4, 1469:17, 1469:18, 1472:8, 1492:21, 1530:16, 1530:17
stating ^[2] - 1407:8, 1505:13
station ^[1] - 1495:2
Station ^[1] - 1495:4
stationed ^[1] - 1459:12
statute ^[1] - 1420:12
stay ^[5] - 1382:11, 1386:10, 1392:22, 1401:14, 1408:19
stayed ^[1] - 1398:5
staying ^[4] - 1391:21, 1422:6, 1422:8, 1452:22
stays ^[1] - 1523:8
steady ^[1] - 1403:15
stenography ^[1] - 1344:25
step ^[1] - 1424:1
Still ^[2] - 1409:3, 1411:10
still ^[22] - 1346:6, 1353:3, 1365:9, 1382:11, 1382:14, 1386:15, 1387:9, 1387:10, 1387:13, 1396:5, 1398:20, 1399:1, 1399:7, 1412:3, 1412:23, 1429:5, 1451:20, 1469:2, 1469:5, 1488:1, 1488:2, 1492:15
stipulation ^[1] - 1350:21
stood ^[5] - 1372:4, 1431:13, 1436:1, 1443:2, 1509:6
stop ^[21] - 1349:3, 1390:25, 1391:10, 1392:9, 1395:2, 1426:16, 1427:13, 1443:5, 1443:6, 1444:5, 1452:8, 1460:13, 1494:6, 1514:2, 1514:8, 1519:6, 1522:12, 1523:7, 1523:20, 1532:14
stopped ^[4] - 1378:22, 1418:7, 1448:15, 1504:14
stopping ^[4] - 1459:13, 1460:13, 1493:13, 1510:19
stops ^[2] - 1508:21, 1510:16

store [2] - 1451:3, 1472:5
stories [1] - 1429:6
story [19] - 1381:9, 1381:10, 1412:15, 1413:1, 1429:13, 1455:6, 1457:1, 1459:18, 1460:1, 1460:18, 1461:11, 1462:15, 1463:15, 1481:22, 1494:5, 1498:5, 1498:6, 1515:17
straight [1] - 1366:23
straightaway [2] - 1439:24, 1440:4
straightforward [2] - 1421:10, 1424:4
strange [5] - 1432:21, 1452:5, 1531:20, 1531:22
stranger [1] - 1455:14
straw [1] - 1519:1
street [11] - 1378:3, 1394:14, 1395:22, 1418:12, 1437:1, 1439:24, 1450:15, 1452:17, 1453:15, 1455:12, 1459:2
streets [1] - 1382:13
striking [1] - 1415:11
strong [2] - 1410:2
strongly [1] - 1406:8
struck [1] - 1407:20
students [3] - 1442:10, 1442:13, 1442:18
stuff [11] - 1355:11, 1448:25, 1449:4, 1449:9, 1458:21, 1461:18, 1462:23, 1466:15, 1480:14, 1483:20, 1487:11
stumbled [1] - 1429:14
stupid [1] - 1381:16
subinspector [1] - 1495:3
subject [4] - 1357:4, 1395:3, 1435:12, 1532:4
subjects [1] - 1473:5
submachine [2] - 1455:18, 1455:20
submission [1] - 1490:24
submissions [1] - 1467:20
submit [85] - 1386:22, 1391:22, 1395:12, 1396:22, 1400:3, 1401:22, 1402:1, 1402:5, 1402:21, 1403:14, 1406:4, 1407:8, 1409:8, 1411:9, 1411:23, 1416:22, 1419:2, 1421:19, 1423:6, 1424:15, 1424:22, 1425:9, 1427:18, 1428:7, 1430:2, 1430:5, 1431:3, 1431:9, 1431:16, 1453:5, 1453:25, 1454:9, 1460:24, 1463:19, 1467:9, 1468:13, 1479:9, 1491:13, 1491:17, 1492:4, 1492:6, 1494:8, 1496:17, 1497:4, 1497:14, 1498:2, 1498:4, 1498:11, 1499:1, 1499:7, 1501:12, 1503:11, 1503:14, 1505:3, 1506:19, 1506:21, 1507:12, 1508:7, 1509:17, 1511:5, 1511:25, 1513:2, 1513:9, 1513:16, 1513:20, 1514:13, 1515:23, 1518:2, 1518:25, 1520:2, 1521:1, 1521:7, 1521:15, 1523:2, 1523:16, 1523:23, 1525:15, 1526:12, 1529:24, 1530:7, 1530:11, 1530:25, 1531:10, 1531:13, 1531:14
submits [1] - 1531:2
submitted [2] - 1466:25, 1468:7

submitting [2] - 1379:18, 1425:1
subpoena [1] - 1424:19
subsequent [1] - 1364:2
substance [1] - 1484:14
substantive [1] - 1353:15
substantively [1] - 1360:22
substituted [1] - 1365:3
subtle [2] - 1389:4, 1422:10
succeeded [1] - 1415:7
succeeding [1] - 1500:7
succession [1] - 1521:14
sudden [4] - 1443:8, 1445:10, 1476:4, 1486:24
suddenly [2] - 1364:18, 1507:3
Suddenly [1] - 1412:15
suffering [1] - 1432:15
suffice [1] - 1353:21
suffices [1] - 1360:24
sufficient [1] - 1423:3
Suffolk [1] - 1446:16
suggest [14] - 1353:19, 1358:11, 1358:12, 1364:10, 1417:13, 1452:1, 1452:5, 1469:13, 1474:18, 1480:8, 1482:15, 1483:4, 1484:23, 1486:4
suggested [1] - 1443:14
suggesting [2] - 1352:11, 1526:14
suggestion [2] - 1445:16, 1470:2
suggests [1] - 1358:19
summary [4] - 1414:15, 1423:13, 1428:6, 1431:11
SUMMATION [7] - 1377:2, 1435:7, 1491:2, 1528:1, 1535:4, 1535:7, 1535:10
summation [19] - 1351:9, 1359:23, 1360:2, 1360:4, 1369:12, 1371:24, 1373:24, 1374:13, 1374:21, 1376:19, 1378:25, 1379:5, 1402:13, 1406:12, 1423:15, 1434:22, 1441:18, 1501:6, 1501:9
summations [7] - 1349:7, 1351:5, 1373:22, 1374:22, 1376:15, 1376:16, 1433:20
summed [1] - 1436:7
Sunday [9] - 1417:13, 1417:19, 1417:20, 1417:24, 1435:10, 1475:3, 1475:10, 1476:12
Sundays [3] - 1475:5, 1475:8, 1476:7
superior [2] - 1459:21, 1460:9
supplied [1] - 1462:4
support [4] - 1348:22, 1410:17, 1438:16, 1500:15
supported [2] - 1402:23, 1417:24
supports [3] - 1348:21, 1348:24, 1428:7
suppose [1] - 1358:20
supposed [6] - 1462:15, 1469:25, 1476:1, 1484:22, 1525:13, 1525:18
supposedly [3] - 1471:17, 1481:19, 1484:15
surely [1] - 1413:6

surprise [1] - 1369:17
surprised [1] - 1369:16
surprising [5] - 1380:15, 1406:21, 1476:21, 1476:23, 1505:24
survival [1] - 1429:19
survive [1] - 1378:16
suspect [7] - 1402:16, 1403:24, 1406:8, 1406:10, 1428:24, 1430:11, 1430:19
sustainable [1] - 1386:11
swear [4] - 1391:11, 1404:20, 1405:4, 1474:16
swearing [1] - 1404:6
swears [1] - 1498:12
swoop [1] - 1517:22
swooped [1] - 1517:20
swoops [1] - 1517:7
swore [5] - 1404:3, 1404:12, 1405:3, 1437:14, 1473:3
sworn [3] - 1474:17, 1507:11, 1533:10
sympathetic [1] - 1457:1
sympathy [6] - 1437:14, 1440:17, 1440:18, 1440:21, 1487:15
system [3] - 1353:17, 1369:11

T

T.V [1] - 1398:23
table [2] - 1354:12, 1360:5
tacit [1] - 1392:14
tainted [1] - 1398:23
talks [2] - 1478:25, 1519:11
tangent [1] - 1448:16
tape [1] - 1402:1
taped [1] - 1532:1
tapes [3] - 1473:6, 1473:7, 1532:9
target [1] - 1422:13
targets [1] - 1531:25
task [1] - 1380:20
tat [2] - 1455:24
taunted [1] - 1426:12
Taxi [1] - 1414:4
taxi [3] - 1416:21, 1416:22, 1521:12
taxicab [5] - 1377:5, 1393:14, 1398:16, 1431:25, 1520:16
teach [1] - 1378:7
teacher [3] - 1377:23, 1399:7, 1450:2
team [2] - 1435:13, 1446:10
techie [1] - 1369:19
technical [1] - 1357:18
technology [2] - 1369:20, 1370:3
tedious [2] - 1403:2, 1414:7
teeth [1] - 1429:10
Telephone [1] - 1344:23
telephone [8] - 1382:22, 1391:2, 1400:22, 1404:10, 1457:22, 1462:11, 1482:2, 1482:8
tempting [1] - 1533:23
ten [9] - 1372:4, 1418:2, 1420:15, 1420:19, 1425:18, 1480:4, 1483:11,

1489:8, 1489:9
ten-minute [1] - 1425:18
tense [1] - 1394:16
term [1] - 1357:18
terms [4] - 1361:11, 1409:21, 1441:13, 1482:25
terrible [4] - 1381:25, 1432:6, 1475:23
terrible's [1] - 1475:20
terribly [2] - 1456:25
terrified [2] - 1385:15, 1429:17
terror [1] - 1429:11
testified [40] - 1352:13, 1380:25, 1387:5, 1387:24, 1393:10, 1394:25, 1395:9, 1396:11, 1398:13, 1401:16, 1402:24, 1412:10, 1412:25, 1413:8, 1414:15, 1414:24, 1415:12, 1424:7, 1424:24, 1449:25, 1452:24, 1473:16, 1491:25, 1494:3, 1498:6, 1501:12, 1501:16, 1505:20, 1506:7, 1509:23, 1513:8, 1513:9, 1514:18, 1514:22, 1520:9, 1523:15, 1530:12, 1533:11
testifies [3] - 1453:22, 1469:3, 1498:12
testify [17] - 1367:14, 1367:16, 1367:24, 1368:1, 1368:3, 1368:4, 1368:12, 1368:16, 1368:19, 1368:25, 1369:1, 1401:12, 1412:14, 1498:18, 1506:22, 1512:3
testifying [6] - 1382:25, 1389:6, 1412:20, 1413:9, 1446:1, 1492:16
testimony [128] - 1354:9, 1354:10, 1361:3, 1379:2, 1379:6, 1379:9, 1379:25, 1380:24, 1385:23, 1396:9, 1397:11, 1400:1, 1400:2, 1400:3, 1400:14, 1401:7, 1401:20, 1401:24, 1406:24, 1407:15, 1407:16, 1408:10, 1409:14, 1411:5, 1411:8, 1411:13, 1411:19, 1411:23, 1412:4, 1412:23, 1413:12, 1413:14, 1413:20, 1413:22, 1414:6, 1421:15, 1428:22, 1428:23, 1430:5, 1430:25, 1432:5, 1438:16, 1438:17, 1441:12, 1441:21, 1441:23, 1445:24, 1446:21, 1449:14, 1450:16, 1453:9, 1456:24, 1458:19, 1459:4, 1460:8, 1460:11, 1461:1, 1461:2, 1461:14, 1462:2, 1462:4, 1462:7, 1464:22, 1468:9, 1469:15, 1472:17, 1472:23, 1473:2, 1477:21, 1478:20, 1480:15, 1480:17, 1480:18, 1480:20, 1481:13, 1482:18, 1483:3, 1484:15, 1492:4, 1492:13, 1495:18, 1495:23, 1496:4, 1497:4, 1497:7, 1497:14, 1497:16, 1498:20, 1498:24, 1499:1, 1499:7, 1499:9, 1501:13, 1502:16, 1502:23, 1503:7, 1503:11, 1503:13, 1503:14, 1503:17, 1503:23, 1503:25, 1504:4, 1504:7, 1505:2, 1506:20, 1506:23, 1507:3, 1507:12, 1507:19, 1508:5, 1508:6, 1508:10, 1510:6, 1512:25, 1514:13, 1515:3, 1515:23, 1516:13, 1528:8, 1532:9

THE [170] - 1344:11, 1345:10, 1345:14, 1345:16, 1345:17, 1345:18, 1345:19, 1346:5, 1346:9, 1346:10, 1346:19, 1347:1, 1347:6, 1347:14, 1347:16, 1348:1, 1348:12, 1348:19, 1349:3, 1349:5, 1350:3, 1350:6, 1350:20, 1351:3, 1351:14, 1351:20, 1352:1, 1354:15, 1354:23, 1355:2, 1355:21, 1355:25, 1356:5, 1356:9, 1356:12, 1356:15, 1356:17, 1356:20, 1356:24, 1357:1, 1357:8, 1357:12, 1357:15, 1357:25, 1358:8, 1358:24, 1359:2, 1359:6, 1359:22, 1359:24, 1360:9, 1360:19, 1361:6, 1361:9, 1361:15, 1361:23, 1361:25, 1362:4, 1362:6, 1362:16, 1362:22, 1362:25, 1363:3, 1363:7, 1363:16, 1363:19, 1363:23, 1364:14, 1364:17, 1364:24, 1365:2, 1365:5, 1365:8, 1365:19, 1365:24, 1366:10, 1366:16, 1366:20, 1366:22, 1367:4, 1367:9, 1367:12, 1367:18, 1367:23, 1367:25, 1368:2, 1368:6, 1368:7, 1368:10, 1368:11, 1368:14, 1368:15, 1368:18, 1368:20, 1368:24, 1369:3, 1369:4, 1369:6, 1369:7, 1369:17, 1369:24, 1370:7, 1370:9, 1370:12, 1370:16, 1370:21, 1371:2, 1371:6, 1371:10, 1371:12, 1371:16, 1371:25, 1372:6, 1372:9, 1372:14, 1372:24, 1373:6, 1373:9, 1373:13, 1373:20, 1374:1, 1374:5, 1374:18, 1374:24, 1375:2, 1376:2, 1376:9, 1376:13, 1376:23, 1377:1, 1412:8, 1425:15, 1431:6, 1433:6, 1433:15, 1433:19, 1434:4, 1434:10, 1434:13, 1434:17, 1434:21, 1435:6, 1483:9, 1483:12, 1489:7, 1489:11, 1489:17, 1489:20, 1489:22, 1490:3, 1490:4, 1490:9, 1490:13, 1490:16, 1490:22, 1492:11, 1495:8, 1499:13, 1499:18, 1499:20, 1499:24, 1500:2, 1501:2, 1501:4, 1529:4, 1529:6, 1529:16, 1533:8, 1534:7, 1534:12
theirs [1] - 1450:21
them [1] - 1397:25
themselves [9] - 1349:1, 1355:3, 1392:23, 1432:21, 1447:8, 1452:9, 1455:15, 1456:6, 1493:9
theory [2] - 1455:16, 1455:17
thereafter [4] - 1395:9, 1395:18, 1446:1, 1504:7
therefore [10] - 1347:2, 1352:24, 1353:19, 1354:7, 1354:13, 1360:24, 1361:8, 1470:14, 1480:5, 1497:10
therein [1] - 1495:5
these-less-than-a-minute [1] - 1522:2
they've [4] - 1432:19, 1488:16, 1488:17, 1530:22
thinking [8] - 1386:21, 1386:23, 1403:3, 1405:15, 1436:1, 1448:18, 1458:22,

1524:24
thinks [4] - 1387:13, 1493:22, 1493:24, 1512:18
third [7] - 1412:13, 1412:17, 1420:2, 1451:16, 1454:2, 1471:7, 1482:22
thoughts [1] - 1351:13
thousand [1] - 1377:11
thousands [2] - 1380:13, 1381:11
threat [6] - 1378:18, 1386:8, 1410:16, 1410:17, 1493:1, 1493:2
threaten [2] - 1389:17, 1410:15
threatened [2] - 1400:23, 1409:7
threatening [5] - 1389:12, 1476:3, 1481:3, 1493:1, 1526:15
threats [46] - 1377:9, 1379:19, 1388:17, 1388:19, 1402:18, 1403:20, 1403:22, 1410:4, 1422:16, 1425:22, 1425:23, 1426:2, 1426:3, 1426:19, 1426:25, 1427:16, 1427:22, 1427:23, 1427:25, 1465:6, 1478:15, 1479:11, 1480:6, 1491:20, 1491:22, 1492:2, 1492:22, 1493:3, 1493:6, 1493:23, 1493:25, 1494:11, 1494:13, 1494:14, 1517:2, 1517:5, 1517:10, 1517:14, 1518:6, 1518:7, 1519:3, 1519:23, 1531:25, 1532:5, 1532:16
Three [1] - 1432:16
three [30] - 1378:12, 1378:13, 1379:17, 1382:7, 1382:23, 1385:17, 1386:9, 1390:9, 1391:2, 1392:4, 1393:15, 1399:11, 1405:11, 1408:19, 1416:12, 1416:13, 1417:7, 1426:16, 1428:8, 1450:3, 1461:3, 1471:20, 1475:9, 1476:10, 1483:17, 1485:14, 1494:3, 1494:5, 1515:24
three-and-a-half [2] - 1475:9, 1476:10
three-year [1] - 1382:23
threes [1] - 1522:15
throughout [9] - 1415:1, 1416:24, 1436:4, 1442:22, 1469:1, 1469:15, 1470:17, 1473:12, 1476:15
throw [1] - 1460:11
thrown [2] - 1452:1, 1516:20
ticket [1] - 1444:11
tied [1] - 1381:7
til [1] - 1467:9
timeline [2] - 1349:20, 1465:18
timing [2] - 1349:19, 1446:14
TLC [6] - 1414:5, 1414:7, 1417:11, 1475:2, 1476:5, 1491:16
today [12] - 1354:17, 1364:2, 1372:22, 1422:11, 1436:1, 1446:5, 1452:4, 1477:2, 1492:16, 1526:1, 1529:8
together [17] - 1358:16, 1360:5, 1364:10, 1384:19, 1386:24, 1387:7, 1400:18, 1408:24, 1413:15, 1422:4, 1454:19, 1464:1, 1467:23, 1468:11, 1472:10, 1474:4, 1486:18
toil [1] - 1500:14
tolerated [1] - 1433:3

tomorrow [7] - 1529:8, 1529:16, 1529:18, 1533:17, 1533:21, 1533:25, 1534:4
tone [4] - 1403:6, 1403:7, 1403:15, 1491:21
tongue [1] - 1428:3
took [32] - 1382:5, 1394:18, 1423:7, 1426:3, 1426:4, 1435:13, 1435:24, 1436:14, 1437:4, 1441:21, 1446:12, 1446:17, 1447:4, 1447:9, 1448:7, 1448:8, 1448:10, 1448:19, 1454:15, 1487:14, 1495:25, 1505:6, 1505:23, 1508:14, 1508:17, 1509:4, 1509:6, 1510:10, 1510:12, 1514:3, 1515:19, 1533:5
tools [1] - 1380:23
top [1] - 1439:11
topic [3] - 1486:1
Torch [1] - 1500:3
total [1] - 1366:6
totally [2] - 1402:22, 1403:19
touch [4] - 1390:11, 1413:25, 1444:24, 1480:2
touched [1] - 1473:20
tough [2] - 1407:3, 1412:5
tourists [1] - 1475:13
toward [5] - 1395:6, 1395:8, 1395:12, 1395:13, 1396:8
towards [6] - 1439:25, 1496:15, 1504:20, 1515:24, 1531:21, 1532:6
town [5] - 1386:14, 1442:18, 1445:2, 1450:2, 1458:19
track [3] - 1398:15, 1416:8, 1420:24
tradition [3] - 1469:13, 1469:16, 1483:5
tragedy [1] - 1487:9
tragic [3] - 1432:5, 1432:6, 1432:23
transaction [1] - 1500:19
transcribed [1] - 1425:25
TRANSCRIPT [1] - 1344:11
transcript [10] - 1369:15, 1370:25, 1383:19, 1385:24, 1396:9, 1397:10, 1447:16, 1447:23, 1474:13, 1506:17
Transcript [1] - 1344:25
Transcription [1] - 1344:25
transcripts [6] - 1402:4, 1403:5, 1405:8, 1428:2, 1473:6, 1473:8
transfer [1] - 1477:6
transferred [1] - 1421:8
translated [3] - 1354:4, 1425:25, 1470:21
translation [11] - 1346:14, 1346:16, 1347:18, 1348:5, 1349:10, 1349:24, 1353:21, 1358:6, 1363:20, 1364:12, 1365:14
translations [2] - 1346:7, 1346:21
transmitted [2] - 1427:10, 1427:25
transported [1] - 1500:13
transporting [1] - 1443:17
trap [1] - 1387:8
trash [1] - 1378:3

traveled [2] - 1386:17, 1426:25
traveling [1] - 1508:19
treasure [1] - 1500:14
treat [5] - 1456:24, 1457:2, 1457:19
tremendous [2] - 1487:8
TRIAL [1] - 1344:11
trial [26] - 1345:3, 1354:6, 1357:10, 1369:15, 1373:11, 1391:22, 1402:3, 1402:25, 1404:8, 1423:20, 1436:5, 1436:17, 1441:24, 1442:22, 1443:2, 1443:9, 1445:11, 1445:20, 1449:14, 1449:25, 1457:23, 1467:16, 1470:18, 1470:25, 1487:12, 1489:3
trials [1] - 1436:22
trick [1] - 1438:11
tried [11] - 1384:7, 1390:18, 1417:13, 1422:2, 1436:16, 1490:8, 1492:12, 1501:25, 1502:3, 1504:8, 1506:13
tripped [1] - 1396:6
triumph [1] - 1500:19
trouble [4] - 1386:6, 1386:7, 1387:6, 1442:2
trucks [1] - 1459:13
true [34] - 1371:9, 1378:18, 1404:13, 1407:16, 1415:20, 1426:3, 1427:23, 1430:7, 1446:4, 1449:2, 1450:10, 1455:6, 1463:15, 1467:25, 1469:14, 1470:7, 1472:3, 1473:1, 1473:14, 1473:17, 1473:25, 1478:15, 1480:6, 1482:20, 1482:21, 1485:1, 1491:22, 1493:24, 1512:11, 1516:21, 1516:22, 1517:23
truly [2] - 1469:10, 1478:14
Trust [2] - 1430:22, 1430:24
trust [3] - 1348:16, 1430:22, 1500:20
truth [18] - 1404:13, 1407:5, 1407:6, 1407:12, 1407:13, 1413:2, 1457:4, 1463:15, 1463:16, 1466:1, 1477:14, 1498:3, 1498:12, 1511:23, 1515:6, 1515:7, 1525:17, 1528:25
truthful [3] - 1407:9, 1445:21, 1463:5
truthfully [1] - 1498:19
try [9] - 1351:6, 1366:22, 1394:18, 1402:16, 1403:25, 1413:1, 1439:20, 1461:10, 1489:4
trying [19] - 1346:12, 1365:6, 1386:19, 1410:15, 1436:4, 1458:16, 1458:17, 1459:1, 1478:25, 1479:12, 1482:10, 1486:12, 1488:2, 1497:13, 1498:5, 1501:13, 1501:14, 1505:13, 1528:25
TUCKER [31] - 1344:17, 1345:9, 1357:14, 1369:8, 1370:5, 1370:11, 1373:5, 1373:8, 1373:12, 1373:17, 1373:23, 1374:4, 1374:17, 1374:23, 1375:1, 1376:22, 1376:25, 1377:3, 1377:4, 1384:11, 1401:1, 1412:1, 1412:9, 1425:21, 1431:7, 1433:17, 1490:7, 1490:11, 1490:15, 1534:10, 1535:5
Tucker [4] - 1345:7, 1436:7, 1446:4,

1521:23
Tuesday [1] - 1474:24
turn [10] - 1373:1, 1434:18, 1439:14, 1441:2, 1452:3, 1456:8, 1470:11, 1471:8, 1472:13, 1516:4
turned [7] - 1381:15, 1396:3, 1438:15, 1452:25, 1455:21, 1497:20
Turnpike [1] - 1446:16
turns [2] - 1438:8, 1519:13
twice [2] - 1415:14, 1461:3
Two [1] - 1406:4
two [73] - 1348:25, 1353:16, 1353:19, 1353:20, 1355:3, 1360:11, 1363:18, 1363:21, 1365:15, 1367:2, 1383:14, 1388:9, 1388:13, 1391:23, 1394:2, 1394:3, 1399:6, 1401:2, 1401:19, 1407:4, 1417:4, 1418:7, 1423:15, 1429:3, 1435:10, 1441:24, 1447:8, 1450:9, 1450:11, 1450:17, 1451:6, 1451:7, 1451:22, 1452:19, 1454:4, 1455:5, 1455:17, 1471:20, 1476:15, 1477:8, 1483:17, 1485:17, 1486:6, 1494:11, 1499:2, 1499:3, 1499:5, 1499:8, 1499:9, 1499:12, 1499:22, 1500:24, 1501:13, 1502:4, 1502:5, 1503:7, 1503:8, 1503:10, 1507:22, 1510:24, 1512:11, 1514:15, 1516:13, 1517:3, 1520:18, 1522:17, 1527:1, 1532:24
two-and-a-half [1] - 1483:17
two-minute [1] - 1499:22
two-month [1] - 1517:3
two-page [2] - 1365:15, 1367:2
twofold [2] - 1358:20, 1360:21
twos [1] - 1522:15
type [7] - 1460:21, 1463:13, 1463:22, 1464:8, 1465:16, 1468:13, 1470:24

U

U.S. [3] - 1385:1, 1424:20, 1530:14
Uddin [7] - 1394:22, 1422:23, 1426:9, 1426:12, 1426:14, 1451:6
Uddin's [2] - 1394:22, 1394:24
ultimate [2] - 1359:10, 1370:3
ultimately [4] - 1380:19, 1429:8, 1468:25, 1488:21
ultimatum [6] - 1390:2, 1517:14, 1517:15, 1517:19, 1518:8, 1520:12
ultimatums [1] - 1526:16
unambiguous [1] - 1495:18
unauthenticated [3] - 1352:22, 1352:23, 1431:4
uncle [4] - 1384:3, 1409:7, 1410:8, 1410:25
uncle's [1] - 1410:24
unclear [2] - 1350:12, 1352:22
unconditional [1] - 1480:6
under [16] - 1377:19, 1412:10, 1417:7, 1420:12, 1425:4, 1441:22, 1454:16,

1457:7, 1461:11, 1464:21, 1467:6,
1481:11, 1482:4, 1483:22, 1488:11,
1507:11
underestimation [1] - 1432:7
underlying [1] - 1417:16
underneath [2] - 1358:16, 1358:22
understandable [4] - 1437:15, 1453:21,
1461:12, 1492:14
understandably [1] - 1487:5
understatement [1] - 1485:25
understood [15] - 1362:1, 1371:6,
1374:23, 1426:18, 1426:19, 1426:22,
1474:10, 1479:20, 1479:22, 1484:1,
1484:5, 1484:13, 1484:17, 1485:16
undisputed [1] - 1467:3
unfair [1] - 1354:7
unfortunately [1] - 1440:1
uniform [4] - 1511:10, 1511:12, 1511:13
Union [1] - 1421:10
UNITED [3] - 1344:1, 1344:3, 1344:12
United [25] - 1344:5, 1344:14, 1344:18,
1385:1, 1385:3, 1389:20, 1390:12,
1408:20, 1408:24, 1409:1, 1409:2,
1433:2, 1435:15, 1439:9, 1460:17,
1463:24, 1466:17, 1467:13, 1469:4,
1469:17, 1469:18, 1472:8, 1492:21,
1530:16, 1530:17
unknown [6] - 1429:4, 1499:2, 1499:3,
1502:5, 1503:8, 1516:13
Unless [1] - 1416:7
unless [7] - 1371:7, 1403:20, 1416:7,
1460:21, 1488:16, 1488:17, 1521:19
unlike [2] - 1432:24, 1475:8
unluckiest [1] - 1516:25
unlucky [1] - 1517:13
unmistakable [1] - 1532:13
unnecessary [2] - 1360:22, 1361:8
unpleasant [1] - 1431:24
unsuspecting [2] - 1377:7, 1519:12
unusual [6] - 1380:15, 1395:12,
1395:14, 1417:1, 1481:15, 1505:10
up [104] - 1356:2, 1357:11, 1357:13,
1357:21, 1359:2, 1361:16, 1361:17,
1361:21, 1364:11, 1372:4, 1379:1,
1383:11, 1384:24, 1394:20, 1395:1,
1395:5, 1402:14, 1406:22, 1407:20,
1416:6, 1416:21, 1429:14, 1429:22,
1431:13, 1434:13, 1435:3, 1436:1,
1436:7, 1439:9, 1442:13, 1442:17,
1443:2, 1443:12, 1443:20, 1443:25,
1445:1, 1445:13, 1445:22, 1445:24,
1445:25, 1446:10, 1447:20, 1450:7,
1452:13, 1452:19, 1452:25, 1453:3,
1453:12, 1454:25, 1455:5, 1455:9,
1455:18, 1459:17, 1459:18, 1459:24,
1459:25, 1460:2, 1460:3, 1460:5,
1460:18, 1461:21, 1461:25, 1466:4,
1469:25, 1474:10, 1475:13, 1480:13,
1481:20, 1481:22, 1481:24, 1481:25,
1486:24, 1495:22, 1496:1, 1497:17,

1501:24, 1502:10, 1502:21, 1504:22,
1508:25, 1509:25, 1510:23, 1513:7,
1513:11, 1513:12, 1514:2, 1515:4,
1515:14, 1515:21, 1515:22, 1516:17,
1519:4, 1521:12, 1522:8, 1523:4,
1523:6, 1523:9, 1525:9, 1525:23,
1529:13
updated [1] - 1351:7
updates [1] - 1415:7
uphold [1] - 1431:23
uppers [1] - 1434:14
upset [3] - 1403:9, 1482:18, 1489:2
Urdu [9] - 1347:8, 1354:21, 1364:10,
1364:19, 1364:22, 1365:1, 1365:2,
1365:11, 1366:4
urge [1] - 1533:22
urgency [1] - 1346:17
urgent [2] - 1415:23, 1416:2
USA [1] - 1345:3
USCIS [1] - 1423:22
usual [1] - 1417:15
utilize [2] - 1371:23, 1437:6

V

vague [1] - 1503:23
van [23] - 1395:2, 1395:4, 1442:7,
1442:11, 1442:13, 1442:24, 1443:4,
1443:5, 1443:6, 1443:10, 1508:13,
1508:24, 1509:2, 1509:4, 1509:5,
1509:6, 1509:10, 1509:14, 1509:15,
1509:16, 1509:18, 1510:8, 1510:9
vans [2] - 1508:24, 1509:22
various [4] - 1354:11, 1365:11, 1453:14,
1510:16
vehicle [1] - 1528:15
vehicles [1] - 1459:13
verbal [1] - 1423:21
verdict [7] - 1345:23, 1379:15, 1381:4,
1430:9, 1431:9, 1431:21, 1488:13
verdicts [1] - 1428:8
verified [1] - 1495:16
version [19] - 1348:5, 1349:18, 1351:7,
1356:17, 1356:22, 1359:8, 1359:10,
1360:25, 1362:17, 1363:8, 1363:11,
1364:10, 1364:20, 1364:21, 1366:3,
1366:4
versus [5] - 1345:3, 1437:13, 1443:1,
1447:10, 1508:15
via [1] - 1407:21
vicious [1] - 1518:10
video [1] - 1486:16
videotape [1] - 1477:19
view [1] - 1360:19
viewed [2] - 1391:24, 1480:6
viewing [1] - 1435:21
views [1] - 1482:16
village [16] - 1377:18, 1378:9, 1382:13,
1387:17, 1390:10, 1442:15, 1442:19,
1442:21, 1444:10, 1459:10, 1460:8,

1502:19, 1503:20, 1505:11, 1516:14
Village [1] - 1498:13
villagers [3] - 1453:13, 1455:11,
1457:17
villages [2] - 1470:22, 1509:21
violated [1] - 1409:17
violating [2] - 1463:9
violence [17] - 1380:12, 1390:2, 1391:6,
1392:6, 1398:15, 1402:9, 1406:2,
1409:13, 1409:15, 1414:1, 1421:6,
1426:8, 1430:4, 1432:1, 1471:3,
1483:4, 1531:25
visa [8] - 1423:20, 1423:23, 1460:22,
1460:23, 1465:4, 1468:1, 1485:7
visa's [1] - 1424:2
Visas [1] - 1424:2
visiting [1] - 1381:8
vividly [1] - 1371:11
voice [2] - 1403:6, 1403:7
voices [2] - 1397:8, 1397:12

W

wait [6] - 1349:22, 1351:25, 1372:9,
1378:4, 1460:9, 1460:12
waited [2] - 1398:5, 1504:13
waiting [2] - 1459:20, 1467:9
waive [1] - 1485:5
waived [1] - 1349:16
waiver [1] - 1485:8
walk [6] - 1447:14, 1504:20, 1511:4,
1514:3, 1514:7, 1515:2
walked [3] - 1450:7, 1504:14, 1515:3
walking [5] - 1394:19, 1395:6, 1443:12,
1455:5, 1482:7
wall [2] - 1504:12, 1504:13
wants [12] - 1383:3, 1399:8, 1399:11,
1402:10, 1422:11, 1422:12, 1477:11,
1478:19, 1480:7, 1485:15, 1496:19,
1530:17
Waqas [16] - 1428:23, 1429:6, 1496:22,
1497:7, 1512:25, 1513:5, 1513:6,
1513:7, 1513:10, 1513:19, 1513:24,
1513:25, 1515:3, 1515:5, 1515:7,
1515:20
warned [1] - 1461:14
warning [2] - 1369:22, 1401:2
warrant [1] - 1369:18
Watch [2] - 1518:20, 1518:22
watched [3] - 1429:20, 1435:17,
1504:23
watches [1] - 1449:9
watching [1] - 1452:23
water [2] - 1434:14, 1472:22
wavered [1] - 1401:22
ways [5] - 1382:11, 1446:9, 1460:6,
1497:1, 1516:16
wealth [1] - 1421:16
wealthy [2] - 1472:9, 1477:5
wear [1] - 1505:11

wearing [3] - 1511:20, 1511:21
wears [3] - 1511:8, 1511:10, 1511:13
wed [1] - 1466:7
wedding [13] - 1381:9, 1384:9, 1384:12, 1407:20, 1466:3, 1466:7, 1466:10, 1466:19, 1466:22, 1467:11, 1468:9, 1469:22, 1481:24
weddings [1] - 1469:24
week [4] - 1431:13, 1432:5, 1442:16, 1444:10
weeks [7] - 1386:16, 1395:15, 1435:10, 1467:13, 1476:9, 1476:11, 1485:24
welcome [3] - 1361:25, 1374:18, 1435:6
well-noted [1] - 1366:5
Western [1] - 1421:10
WFK [1] - 1344:3
whatsoever [5] - 1441:20, 1449:7, 1449:8, 1455:23, 1477:16
wheat [1] - 1390:7
wheels [1] - 1416:15
whereabouts [1] - 1422:3
wherever's [1] - 1440:4
white [4] - 1511:12, 1511:13, 1511:20, 1511:21
whole [20] - 1358:5, 1378:9, 1391:10, 1392:4, 1400:18, 1404:25, 1405:7, 1427:14, 1460:2, 1461:11, 1463:15, 1466:12, 1466:13, 1468:3, 1482:16, 1493:20, 1498:13, 1510:7, 1520:4
whores [1] - 1398:25
wife [8] - 1384:14, 1386:9, 1458:3, 1464:7, 1467:6, 1469:19, 1500:21, 1533:3
WILLIAM [1] - 1344:11
willing [3] - 1388:18, 1506:21, 1507:10
window [1] - 1402:7
winter [1] - 1467:9
wire [1] - 1477:6
wish [7] - 1373:19, 1374:2, 1374:13, 1403:13, 1444:7, 1514:13
wished [2] - 1348:8, 1370:21
wishes [5] - 1351:8, 1367:21, 1374:9, 1374:20
witness [60] - 1348:17, 1350:11, 1350:13, 1353:9, 1354:13, 1355:12, 1361:3, 1366:2, 1370:20, 1371:2, 1372:2, 1372:7, 1372:10, 1372:17, 1373:3, 1389:21, 1406:24, 1407:8, 1412:5, 1430:15, 1438:5, 1439:16, 1441:24, 1444:8, 1444:18, 1447:12, 1447:17, 1447:19, 1447:20, 1447:25, 1448:1, 1454:17, 1456:11, 1457:13, 1457:23, 1461:14, 1461:19, 1464:24, 1466:6, 1467:25, 1469:24, 1475:3, 1475:4, 1478:5, 1480:21, 1481:23, 1491:11, 1492:8, 1492:9, 1496:22, 1497:3, 1497:25, 1498:18, 1499:6, 1502:10, 1502:22, 1503:2, 1512:2
witness's [2] - 1354:9, 1354:10
witnessed [3] - 1353:10, 1496:24,

1508:3
witnesses [84] - 1347:21, 1348:9, 1348:25, 1355:8, 1355:12, 1360:16, 1370:22, 1370:24, 1371:1, 1371:3, 1371:7, 1371:8, 1380:25, 1391:24, 1407:12, 1423:19, 1424:7, 1428:10, 1428:16, 1428:17, 1428:18, 1428:20, 1428:25, 1430:1, 1430:23, 1430:24, 1436:13, 1436:18, 1437:7, 1437:21, 1438:12, 1438:18, 1439:9, 1439:23, 1441:20, 1441:25, 1446:18, 1447:6, 1447:7, 1448:6, 1448:12, 1449:16, 1449:20, 1450:7, 1450:17, 1451:6, 1451:7, 1451:22, 1453:14, 1454:4, 1454:5, 1455:17, 1455:24, 1456:3, 1456:23, 1457:6, 1457:18, 1457:21, 1458:6, 1465:24, 1465:25, 1466:2, 1466:3, 1472:15, 1477:13, 1482:7, 1488:18, 1497:3, 1497:8, 1497:13, 1497:17, 1497:24, 1498:2, 1498:9, 1501:10, 1501:11, 1501:25, 1502:3, 1505:12, 1515:24, 1528:5, 1532:9, 1533:10
witnesses' [1] - 1448:21
woman [6] - 1481:15, 1482:11, 1507:4, 1512:13, 1512:15, 1516:5
women [3] - 1401:11, 1432:16, 1464:20
Women [1] - 1505:10
wonder [1] - 1488:16
Word [1] - 1415:18
word [7] - 1352:23, 1379:22, 1380:1, 1381:18, 1406:10, 1423:18, 1425:16
words [30] - 1357:1, 1365:8, 1378:10, 1389:19, 1390:5, 1391:22, 1401:1, 1402:1, 1402:19, 1403:20, 1406:1, 1409:25, 1428:3, 1432:11, 1443:7, 1473:9, 1473:22, 1479:5, 1492:17, 1493:11, 1507:2, 1520:11, 1521:17, 1524:6, 1525:2, 1526:25, 1527:2
worker [2] - 1416:4, 1417:3
works [2] - 1417:7, 1521:18
World [3] - 1435:11, 1435:19, 1438:22
world [10] - 1392:24, 1393:4, 1444:8, 1450:5, 1466:6, 1471:7, 1482:22, 1517:1, 1526:13, 1526:14
worried [6] - 1384:1, 1394:25, 1402:19, 1445:4, 1452:24
worry [1] - 1453:20
worse [4] - 1452:7, 1477:21, 1528:10, 1528:25
worst [7] - 1429:9, 1432:23, 1517:5, 1518:7, 1518:8
worth [2] - 1465:16, 1500:18
wrap [2] - 1480:13, 1529:13
wrenching [1] - 1437:18
write [3] - 1394:12, 1517:16, 1519:21
writer [1] - 1500:21
writing [1] - 1463:21
written [1] - 1519:5
wrote [2] - 1430:17, 1456:11

Y

year [7] - 1377:23, 1382:6, 1382:23, 1399:7, 1437:13, 1439:8, 1465:23
year-and-a-half [2] - 1437:13, 1439:8
years [12] - 1380:22, 1381:8, 1381:13, 1382:7, 1385:20, 1388:6, 1408:19, 1476:15, 1499:13, 1503:23, 1517:3, 1530:22
yellow [2] - 1377:5, 1514:17
yesterday [14] - 1346:1, 1364:12, 1365:1, 1370:19, 1372:16, 1372:21, 1373:2, 1393:17, 1428:10, 1428:24, 1430:11, 1436:10, 1453:9, 1459:6
YORK [1] - 1344:1
York [11] - 1344:6, 1344:15, 1344:16, 1344:20, 1380:11, 1427:11, 1431:25, 1466:15, 1487:25, 1520:14
Yorkers [1] - 1377:7
young [8] - 1385:13, 1385:17, 1386:9, 1390:9, 1407:4, 1442:13, 1472:10, 1482:11
younger [1] - 1410:8
yourself [7] - 1475:24, 1488:3, 1494:7, 1496:24, 1520:2, 1524:22, 1530:5
yourselves [4] - 1379:11, 1407:16, 1429:23, 1526:8

Z

Zafir [1] - 1401:8
Zameer [7] - 1394:23, 1395:7, 1450:21, 1451:24, 1452:13, 1452:15, 1453:2

Ü

über [1] - 1357:17